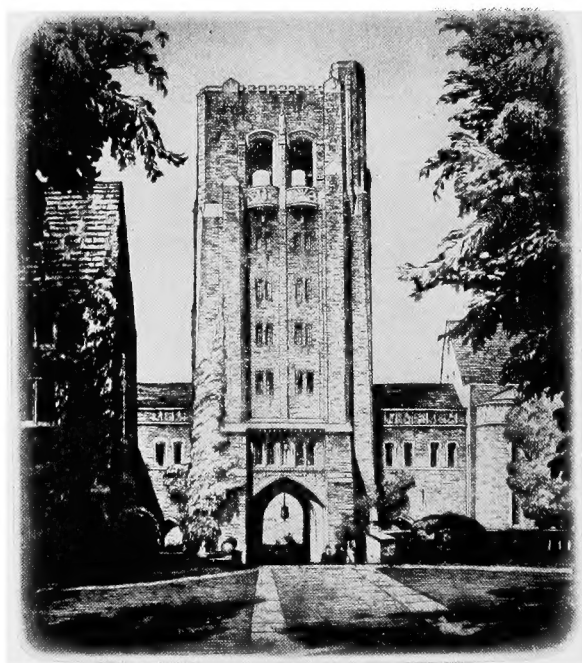






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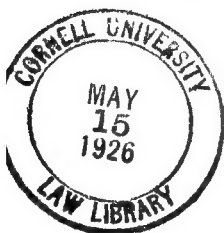
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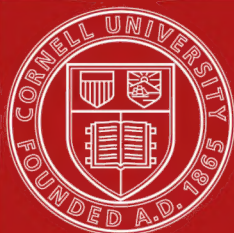
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LAWS OF BARBADOS



BY AUTHORITY.

Revised and Consolidated

BY

THE COMMISSIONERS,

G. AUBREY GOODMAN, K.C.,—ATTORNEY GENERAL.

AND

C. P. CLARKE, LL.B., K.C.,—SOLICITOR GENERAL

VOL. 1.

1667-1.—1891-24.

BARBADOS.

PRINTED AT ADVOCATE PRINTING WORKS, 34, BROAD STREET.

1912.

PREFACE.

The total number of Acts contained in the seven volumes that make up the current edition of the statute law is nine hundred and thirty seven. Of these, two hundred and ninety two have been wholly repealed, and three have been disallowed. Of the remaining six hundred and forty two, sixty five entire Acts are obsolete, spent, or otherwise inoperative. Thus the effective statute law of the Island at the time of writing consists—subject to partial repeals—of five hundred and seventy seven Acts; and these, after the omission of their inoperative portions, are here presented in the form of three hundred and ten Acts in four volumes, embracing the legislation up to 16 Jan. 1912.

We have carried the work of consolidation as far as possible; in a few instances even seeking the sanction of the Legislature where we felt some doubt as to the extent of our power under the Statute Laws (New Edition) Act 1909. One Act, however, viz., the Intestates Estates Act, 1910-7 herein, was passed too late to be consolidated with the Guardians Executors Administrators and Trustees Act, 1891—25, in which it ought properly to have found its place.

Correction of errors and remedying of obvious defects have been effected by two Statute Law Revision Acts, which will be included as an appendix in the Index volume to be shortly issued.

In the same volume will appear also the two appendices required by the (New Edition) Act viz. one, of the consolidated Acts appearing in the new edition, and the other of the Acts and parts of Acts omitted under the power conferred on us. Consolidation Acts may be constructed by putting together, either totally independent, or else principal and amending enactments. Amending enactments may either prescribe specifically the alterations to be made in the principal Act in language and form, or simply enact additional matter without pointing out any particular manner of alteration. Where we have incorporated an Act or Acts of the last-mentioned class with a principal Act, we have entitled the new Act “an Act to consolidate etc.” (where it did not previously bear the title), and have affixed the date of the latest of the amending enactments. But in giving effect to

amending enactments of the former class we have not changed the title or the date of the principal Act. Although Acts so amended may not be entitled consolidation Acts, yet we shall include them in the Appendix along with the other sorts mentioned.

At the end of each volume will be found an index of the short titles of the Acts contained in it, and there is also issued a short-title index to the whole work, for use until the analytical Index is ready.

At the end of volume I we have inserted several Imperial statutes therein referred to, and at the end of Volume IV the (Imperial) Demise of the Crown Act, 1901.

We subjoin hereto a historical note on the collection and revision of the statute law from time to time.

G. AUBREY GOODMAN.

C. P. CLARKE.

19 February, 1912.

HISTORICAL NOTE ON THE COLLECTION AND REVISION OF THE STATUTE LAW OF BARBADOS.

The making of statute law in Barbados began about two hundred and seventy years ago. The earliest date borne by any Act of which the title is given in Hall's Laws is 28th April 1643, but Nos. 2 to 7 in Hall, as well as many of those of which the titles are given in his appendix, are undated ; and we possess from another source documentary evidence of an Act relating to taxation having been passed on 26th March 1641.

The earliest published collection of the Acts of the Island was that made by John Jennings, clerk of the House of Assembly, and printed and published in London in 1654 in a book of 180 small pages. The copy in the British Museum (883 f. 29) has two leaves missing, but there is a perfect copy in the possession of the Philadelphia Library Company in the United States of America. A complete transcript is to be found in the Registration Office of this Island, made from a manuscript copy procured and kindly lent by Mr. N. Darnell Davis, ex-Auditor General of British Guiana. This compilation professes to include (1) all the Acts made since the first settlement of the Island, omitting such as were considered repugnant to the authority of the Commonwealth as well as such as had become obsolete, and (2) such additional Acts as had been deemed necessary by the new Government, established in January 1652, on the surrender of the Island to the Commonwealth Admiral. Of the one hundred and two Acts contained in the work the first forty eight were re-enactments of former statutes : the remainder were new. This work does not profess to have been issued under governmental authority, and in the following year we find the Legislature making an order that no Act was to be "put in print" without special license from the "authority" of the place. A few months afterwards a legislative committee, of which Jennings was a member, was appointed to review the "Book of Statutes", but we possess no direct evidence of the result of their labours. It is not a rash inference, however, that an indication of their influence is apparent in the unwonted legislative activity of the eight months from August 1656 to April 1657, during which period no less than thirty Acts were passed—an abnormal rate of production at that time, as the annual average for the latter half of the same century was only thirteen.

At the Restoration all Acts passed since the surrender in 1652, with twelve exceptions, (Nos. 14 to 25 in Hall,) were repealed, and new and more comprehensive enactments took their places. Reference to Hall will show that ten Acts of first class importance were passed in August and September 1661—four appearing in the text and the titles of six in the appendix of obsolete and repealed enactments.

In March 1667 the three joint Governors together with the Council and Assembly published a declaration that all laws that had been enacted in the reigns of Charles I. and Charles II. and that stood unrepealed were to remain in force; and shortly after this declaration there was passed the well-known Act for better ascertaining the laws of the Island which stands No. 1 in Hall and also in the edition of 1855, and—with the omission of clause 3—in that of 1875. By it all laws made under the Commonwealth were declared void. Seven Commissioners—two members of Council, four members of Assembly, and the Secretary of the Island—were appointed to compile the statutes in force, and in a few months they presented a collection of fifty eight Acts and a signed report. Shortly afterwards an explanatory paper signed by two of the Commissioners was sent in along with a book in which the Acts were fairly engrossed. This collection was confirmed by the King in Council, and the book was for over a hundred and fifty years one of the works of reference that were always kept at hand on the Council table. Referring to the explanatory paper Oldmixon wrote: "It is well for the inhabitants of this Island that the laws are more intelligible than this return"; on which Hall dryly observes: "If he had read the laws he would not have said this".

Five years of great legislative activity ensued, in which were produced no less than one hundred and eighteen Acts—an enormous output for those days; and in July 1672 eleven copies of a collection of such of them as still remained in force were made, and one was given to each parish. Thus far, then, two manuscript books embraced the whole statute law of the Island. Shortly afterwards the Acts that had been passed between 1660 and 1672 were submitted for examination and report to Serjeant Samuel Baldwin in England, and his opinion was that although in many respects they were not consonant with the laws of England, yet taking into consideration the circumstances of the place they were on the whole reasonable.

During the next quarter of a century there were several attempts at revision, joint committees of the Houses—sometimes with very extensive powers of correction and amendment—being appointed for the purpose; but nothing appears to have been accomplished by any of them.

Meanwhile numerous inconveniences were suffered by the public and the profession through the laws not being "public and open to the ready view of all the inhabitants." The manuscript Acts as passed were kept in the Secretary's office, and lawyers and others interested took copies. Sometimes the Governor and Council would ask of some reliable legal practitioner the loan of his "Act Book of the Laws". But of course evils arose from errors made by heedless or unskilful transcribers, and there was moreover the ever-present danger of the originals being lost by hurricane or fire.

An effort to remedy this state of things was made in 1698 when William Rawlin, Clerk of the Assembly, and afterwards twice Attorney General, was directed by Act to transmit his manuscript collection of the public Acts to England to be printed, and by the same Act power was given to the Clerk of the Assembly to print future Acts. The work was published in the following year, and professed to include the Acts from 1648 to 1698, but was really very imperfect. The only copy now accessible in the Island is one of the third edition published in 1732, and embracing the Acts up to 1717. It consists of two hundred and eighty two folio pages, and contains, in continuous chronological order, besides the text of the Acts in force, the titles of such as had been repealed or were considered to be no longer in force. A table of the titles is prefixed, but there is no index. The cost of publication (£534) was paid by the Island, and Rawlin was allowed to retain the proceeds of sales, and was protected in his copyright by a penalty of forty shillings—half to him—recoverable summarily. The work was declared to be a good lawful statute book, and no other impression was to be of any validity.

In 1715 an Act for compiling the laws was passed, and Richard Carter, the Attorney General, was appointed to carry out the undertaking, for which he was to be paid a thousand pounds; but his death frustrated the design.

Not long afterwards a collection of the statute law for the period 1648—1717 was published by Arthur Zouch, Clerk of the Assembly. Although this book superseded Rawlin's in general use, not a single copy appears to have been preserved in the Island. Hall says it was imperfect and full of errors. Supplementary to this work was a collection for the period 1717-1738 by one Salmon, which Hall tells us was more correct than Rawlin's or Zouch's; but of this likewise no copy is accessible. It contained an abridgement, but none of the Acts had dates affixed. Referring generally to the three works mentioned, Hall says that no less than twenty Acts still in force were omitted, as well as the titles of three hundred and fifty four that had expired or been repealed.

In compliance with directions from the Imperial Government an Act (No. 204 in Hall) was passed in 1753 appointing three members of Council and six of Assembly to revise all the public Acts, frame a well-digested body of new laws, and lay the results of their labours before the Legislature in the form of bills, which, if approved, were to be passed with a suspending clause. But the scheme was never carried out.

Next we come to the famous Hall's Laws of Barbados. The elder Richard Hall, a man of lengthy experience in the administration of the law, had corrected and supplemented his copies of the printed law-books by comparison with the records in the Secretary's office, up to 1758, the year of his death. His son Richard continued the work, and in 1761 offered to bring out a new edition of the laws; and an Act conferring on him the requisite authority was passed on the 11th May 1762. Hall went to London and published the book there in 1764. It consists of six hundred and twenty four folio pages comprising a dedication to the Governor, Council, and Assembly (whose names are all set out); a preface; a list of two hundred and seventy four subscribers; the text of two hundred and thirty Acts then in force; the titles of a thousand and eleven Acts and Ordinances no longer in force (one hundred and twenty five of which had never been printed); an alphabetically-arranged abridgement of the Acts in force, and an index to those Acts. The Ordinances referred to were passed by Francis Lord Willoughby in Council during the two years in which he refused to call an Assembly. The notes to be found interspersed here and there in the work are for the most part by the elder Hall, who was also the author of a manuscript pamphlet of historical and descriptive notes on the Island written in 1755. The work was to be a good lawful statute book with regard to the laws inserted therein at length, and no other edition was to be of any validity. But as a condition of such recognition, a certificate by a Justice of the Peace that Hall had sworn that the book was in accordance with his father's Book of Laws, and with the records in the Secretary's office, was required to be filed with the Secretary, and every copy was required to bear the autograph signature of the editor. This signature will be found on the fly-leaf opposite the title-page. Hall's remuneration was one hundred pounds in addition to the copyright, which was protected by a penalty of five pounds recoverable summarily.

During the latter half of the eighteenth century the average rate of legislation was less than seven Acts per annum, and so no urgent need for revision and collection was felt for many years. At length, however, in 1800 Samuel Moore, clerk of the Assembly was authorised to publish the Acts passed since 11th May 1762. The work

was printed in England. It contains sixty seven Acts and is constructed on a similar plan to Hall's.

In 1814 the Imperial Government called for copies of all the Acts that had been passed in the Island ; and further desired that all future Acts should be printed within six weeks of receiving the Governor's assent, and that six of the printed copies should be transmitted along with the written ones that were always sent home. On communicating this despatch Governor Beckwith took occasion to recommend a continuation on Moore's plan, but no step was taken by the Legislature until 1819, when John W. E. Elder, the acting clerk of the Assembly, was authorised to publish a compilation of the Acts still in force that had been passed since the date of Moore's work. But this project was not carried out, because the authorising Act was disallowed on the ground that it provided no security for the authenticity or correctness of the publication.

In 1823, Dwarris and Maddock, the Commissioners of Inquiry into the administration of justice in the West Indies, reported that two hundred and forty seven of the Acts of the Island had never been printed.

In 1830 a joint committee of the Legislature considered the question of publishing a new edition ; and in 1831 H. E. Sharpe, the Solicitor General, offered to publish one by subscription on condition that the House guaranteed him expenses and reasonable remuneration, but nothing came of the proposal.

The next publication did not appear until 1840, when a collection of the Acts for the reign of William IV (1830-7) was printed in the Island. This work was compiled and prepared for the press by George Nelson Taylor, a member of Assembly (afterwards Speaker,) acting under the direction of a committee of the House. It comprises a complete table of the public Acts, those in force being starred ; a table of the private Acts ; the text of the public Acts in force, with the number of the sessional chapter of every Act of which the text is not given inserted in its proper chronological place, and lastly an analytical index, and the ordinances for the government of Bridgetown. A compilation on similar lines of the Acts for 1837-1841 was produced in 1842 under the direction of a similar committee by Samuel Taylor their clerk.

The next undertaking was a more important one. In 1844 a similar committee published under the editorship of their clerk, Samuel Taylor, the seventy public Acts still in force out of the total of three hundred and fifty nine that had been passed between 1800 and 1830. The work consists of two hundred and thirty small octavo pages comprising

a table of public Acts in force, the text of those Acts, a table of the titles of both the public Acts not in force and the private Acts, with occasional notes, and an analytical index.

The committee recommended that the power of superintending annually the printing of the laws should be vested in a joint standing committee of the two Houses ; and also that there should be a general revision, amendment, and consolidation of the whole body of the statute laws. Since that time the Acts have been regularly printed session by session.

In 1845 the Legislature adopted the view that the time for consolidation and revision had come, and referred the matter to the Crown Law Officers, who in the following year presented, along with their report, several schedules showing the Acts that had been disallowed, repealed, or superseded, those that had had their effect or become obsolete, and those of the operative Acts that required consolidation and amendment. But there the matter rested for eight years.

The well-known edition of 1855 was the outcome of a joint address of the Houses. By an Act of 12th April 1854—the schedule of which is to be found in the supplementary volume of 1863—a large number of Acts were repealed ; and in May 1854 George Nelson Taylor (then a member of Council) and Charles Packer, the Solicitor General, were appointed to bring out the new edition, for a remuneration of three hundred pounds. The work, in one volume of six hundred and thirty five royal octavo pages, was printed in England. When stamped with the seal of the Island, it was to be the only lawful statute book with regard to the laws inserted therein.

The supplementary royal octavo volume of 1863 also printed in England was edited by John Sealy, Attorney General, and Charles Packer, Solicitor General. It contains in three hundred and thirteen pages the public Acts passed from 1854 to 1863, numbered in continuation of those in the edition of 1855, and also an imperial statute and the by-laws of Bridgetown. Prefixed are tables of the titles of public Acts which had been repealed or had had their effect, and of private Acts passed during the period.

The same Commissioners were in 1873 appointed to bring out a new edition ; and early in 1874 the Legislature passed seven consolidating Acts on subjects of importance. In 1875 the work was published in two royal octavo volumes of over six hundred pages each, printed in England. It includes the Acts up to May 1874, and was to be the only lawful statute book with regard to the laws inserted therein.

Limited powers of amendment were conferred on the Commissioners, viz., to insert present salaries where any alteration had taken place, and to convert penalties expressed in sugar into money ; but they had no authority to consolidate.

In 1884 an Act directing the preparation of a new edition, and conferring power to consolidate Acts relating to the same subject, and to insert amendments, appointed W. C. Reeves, the Attorney General, and H. A. Bovell, the Solicitor General, as Commissioners for the purpose ; but owing to the elevation of Reeves to the bench in 1886 the work was delayed. Then W. H. Greaves, the new Solicitor General, was appointed as the second Commissioner. Supplementary Acts were passed, the first directing the inclusion in the new edition of Acts passed up to the end of 1885, and the second the inclusion of Acts passed up to the end of 1887.

During 1890 and 1891 the Legislature carried the work of amendment and consolidation as far as possible, turning out no less than thirty consolidated Acts in the former and sixty in the latter year ; and they likewise passed two Statute Law Revision Acts in 1891 and two in 1893 for repealing spent and obsolete statutes and making sundry necessary amendments in the working law.

Pending the completion of the work, a provisional reprint of the whole operative statute law down to 1889 was issued in two volumes ; and these, along with the sessional Acts of 1889—1890 and 1891—1892, served all practical purposes until the new edition in three volumes—printed in the Island—appeared in April 1894. The Index volume—the first exhaustive index of the Island's laws ever published—was issued in June 1895.

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LAWS OF BARBADOS.

1667—1.

An Act to prevent all Forcible and Clandestine Entries into any Lands or Tenements within this Island.

[19 March 1667.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

1. This Act may be cited as the Forcible and Clandestine Entries Act 1667.

2. No person or persons whatsoever shall make any forcible entries, or forcible detainers, into or of any lands, houses, or tenements, within this Island, or shall enter secretly into any man's lands, houses, or tenements, for gaining of possession by setting up any roofs, huts, hovels, tents, or thatched houses, or by any such private or secret practices, or other ways or means whatever, without due course, trial, and recovery at law, first had and obtained; under penalty of forfeiting fifty pounds sterling money for every person so offending to the Crown. And whosoever any person or persons shall make any such entry and detainer, or by any such secret means, or ways as aforesaid, enter into or gain possession of any man's lands, houses or tenements, upon any pretence whatsoever contrary to this Act, without trial and recovery at law first had and obtained, to bring into question and trial the right and property thereof, the Police Magistrate of the district is hereby required and authorized upon complaint of the party grieved, to remove such entry and possession; and all such houses, roofs, huts, and thatched houses, for that end so put and erected, shall cause to be pulled down and destroyed, as if the same had never been: And the person or persons so entered, possessed or holding, or found doing contrary hereunto, shall be committed to prison there to remain until they have given recognizance, themselves in fifty pounds and two securities in twenty-five pounds sterling money apiece, for his appearance at the next General Sessions to be held for this Island, to answer the same, and in the interim to keep the peace: at which said sessions the matter shall be fully

No forcible or clandestine entries or detainers to be made.

Forcible and Claudestine Entries Act.

examined, and the said penalty there adjudged, and accordingly paid into the Public Treasury of this Island. And for the purpose of removing such entry and possession, the Police Magistrate is hereby authorized and required to issue a warrant, under his hand directed to any one or more police officer or officers, commanding them within a period to be therein named to enter (by force if needful) into the premises and give possession of the same to the complainant; provided always that entry upon any such warrant shall not be made on a Sunday, Good Friday, or Christmas Day, or any time except between the hours of eight in the morning and five in the afternoon. And the Police Magistrate who shall herein fail of executing as is hereby required, shall forfeit fifty pounds sterling money, the same to be recovered by action of debt by him that shall inform thereof, and sue for the same; the one half to the Public Treasury for the use of the Island, and the other half to the informer.

Exception.

Provided nevertheless, that this Act shall not extend, or be construed to reach or extend, to any entry made upon breach of covenants, or conditions, or any arrearages of rent, or any such like case, where the right title or property is not thereby enforced to, and intended for a trial, or brought into question.

An Act relating to the spring or rivulet called the Three-Houses Spring in the parish of St Philip.

[9 June 1713.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Three-Houses Spring Act 1713.

Adjacent owners may dam stream for limited period.

2. It shall and may be lawful for all or any of the adjacent inhabitants, through whose lands the rivulet known as Three-Houses Spring in the parish of Saint Philip runneth, to make such a reasonable dam, and detain and draw off the water thereof into his or their channel, ditch, or pond, or other necessary use, as he or they shall think most proper for his or their occasion: provided that no such dam, drain, or channel, be so taken as thereby to dry the river below them, but that there shall be always a stream kept running down the said river or channel, to a pond situate at the end of the said river's course, commonly called Brown's Pond;

Three Houses Spring Act.

which pond shall be always kept full by the Commissioners of Highways of the said parish for the public use; provided the owner or proprietor of the said pond do not debar any person from watering thereat, but that at all times it may and shall be free for any the said parishioners to water their stock thereat.

No person or persons whatsoever shall at any time make a dam, or keep any branch or drain of the said river into his land, longer than the space of eight and forty hours at a time, but then shall break down his said dam, or stop his said channel or channels that did convey the said water into his pond or other receptacle, and thereby permit the river to run without let, so that the person next below him and adjacent with the river, may have the like opportunity and advantage for the like limited times; and so successively each adjacent person, as they fall in course along the banks of the said river; and the Police Magistrate of the said parish shall and is hereby authorised and fully empowered from time to time as oft as occasion shall require, to summon and command the Commissioners of the Highways, or any two of them, to view the said rivulet, stream, or water-course issuing and running from the spring of water, commonly called the Three-Houses Spring, and order that the said Commissioners run, lay out, and appoint the said rivulet or stream to be run and carried in manner aforesaid, and in the same channel, and through the same land and plantations as formerly, when first dug, and since continued and used without the let, hindrance, alteration or disturbance of any person or persons whatsoever, except as above expressed: and it shall and may be lawful and free for such of the said inhabitants as are willing and desirous to promote the common good and benefit of the said parish, together with the Commissioners aforesaid, to have free liberty, license and power, at the direction, order and appointment of the said Police Magistrate and Commissioners, to clear, cleanse, open, cut, and scour the said rivulet, stream, or water-course, in order to make it more useful, beneficial, and commodious to the said inhabitants, as well in general as adjacent, without prejudice to the lands and plantations of any particular adjacent person. And further, if it shall be for the greater benefit and public advantage of the inhabitants aforesaid, such Police Magistrate and Commissioners as aforesaid, are hereby empowered to order the said rivulet to be farther opened and enlarged, cut, cleared, mended and reformed, as to their judgment and discretion shall seem just and reasonable, and to make the same more useful and commodious; and also to prevent the same from

Three Houses Spring Act.

overflowing, and becoming in great rains and floods injurious, or in any ways prejudicial to the lands and plantations of the said adjacent inhabitants, as frequently heretofore hath been to their great damage; and to cause such ponds or sucks to be dug from time to time, at the charge of the said adjacent inhabitants of the parish, as may render the same effectual and useful to the public.

Police Magistrate may punish offenders, and lay out foot-paths.

3. It shall and may be lawful for the said Police Magistrate on complaint of any of the inhabitants aforesaid, that they or any of them are hindered, letted, prejudiced, injured, opposed or prevented in the works aforesaid, or of any nuisance, to do all such lawful acts and things as may be thought necessary to preserve the peace, and punish offenders against this law, according as the same shall appear just and legal; and for the free use thereof it shall and may be lawful for the said Police Magistrate and Commissioners aforesaid, at all time and times as it shall appear expedient, to lay out such convenient and fit foot-paths not exceeding two feet in breadth, by the side of the said river or water-course, as they in prudence shall think proper, for the free use and access to the rivulet or water-course, and to all and every the necessary and convenient parts thereof.

Commissioners of the Highways to determine course of stream on complaint

4. Upon any complaint relating to this Act, made to the said Police Magistrate, he shall summon the said Commissioners and appoint and order them how and in what manner the rivulet, stream, or water-course aforesaid shall run or be laid out, under the penalty of one hundred pounds, and this is to be done within six days after complaint made; and the said Commissioners are also hereby required to run and lay out the said rivulet, stream, or water-course, in four days after order of the said Police Magistrate in such manner as shall be directed and ordered, under the like penalty of one hundred pounds, to be recovered in a summary manner before a Police Magistrate; and also all such fines, forfeitures, and penalties, as shall at any time be laid and imposed on any offender against this Act, shall be recovered in a summary manner before a Police Magistrate as aforesaid, the one half to Her Majesty, and the other half to the informer.

Owner of Brathwaite's estate may dam stream for 72 hours.

5. The owner or possessor for the time being of the plantation formerly the property of John Brathwaite, deceased, through which the said rivulet runs first, shall and may make such a reasonable dam, and detain and draw off the said water into his channel, ditch, or pond, or for any other necessary use, after the same manner, and under the same provisoes, limitations and conditions, as are in this Act

Three Houses Spring Act.

before mentioned and expressed, for the space of seventy-two hours, instead of forty-eight hours, which is allowed to other persons in this Act, and not otherwise.

6. It shall be the duty of and it is hereby made incumbent on the owner of the plantations or lands through which the spring or rivulet may from time to time run, to open, cut, clear, mend, and keep clean and in order, so much of the channel of the said rivulet or stream as shall lie in his plantations or lands, and if any person so charged with keeping clean and in order the said rivulet or stream, shall fail or neglect to do so, the said Commissioners of Highways, or any two of them shall give notice to such person to open, cut, clear, mend, clean or put in order the same, and should any such person for seven days after such notice fail or neglect to do as required of them by such Commissioners, the said Commissioners shall be at liberty and they are hereby directed to appoint and send the Inspector of Highways with such persons as he may employ to put the said stream or rivulet in order, and the expenses incurred by the Commissioners in opening, cutting, clearing, mending, cleaning or putting in order the said stream or rivulet, shall be charged to the person failing or neglecting to obey the orders of the said Commissioners, to be recovered on complaint of any one of such Commissioners before the Police Magistrate of the parish in a summary manner.

Channel of stream to be kept clear by owner of adjacent land.

7. If any person shall wilfully or maliciously hinder, let, prejudice, stop, or obstruct the said stream or rivulet in its course, contrary to the true intent and meaning of this Act or shall wilfully or maliciously hinder, let, prejudice, obstruct or oppose the said Commissioners in the execution of their duties under this Act, he shall on complaint made by any one of the said Commissioners before the Police Magistrate of the said parish, be subject and liable to forfeiture of a penalty not exceeding fifty pounds lawful money, to be recovered in a summary manner.

Penalty for obstructing stream or Commissioners.

An Act to Quiet the inhabitants of this Island in the peaceable possession of their Estates, and for removing the causes of expensive and vexatious Suits in relation thereto.

[19 September 1745.]

WHEREAS according to the established form of executions Preamble. issuing from the courts of common law in this Island, they

Titles (Quieting) Act.

are not expressly returnable, and it has not therefore been usual for the officers to make any returns thereof, by which means a practice has been long introduced of issuing out those writs merely for the sake of binding the personal estate and as a further security, without any intention of procuring immediate satisfaction; as likewise of levying such executions many years after their dates, and when either the conusor or conusees or both may have been dead: and whereas all lands here have ever been looked upon as chattels for the payment of debts, though what remain afterwards do descend to the heir-at-law or go to the devisee; and on that principle, or perhaps by virtue of some express law, not now to be found, it has been customary for marshals to extend estates of land, and to execute bills of sale for the same in fee or otherwise, according to the interest the debtors had therein, although the executions did in truth issue on judgments obtained only against executors or administrators: and whereas proceedings of the like nature have also from time to time been had with regard to decrees obtained, as well in the Court of Chancery, as in the equity side of the Court of Exchequer, and writs of execution issuing thereon; all which have appeared not very regular to such as were unacquainted with the laws, constitution, and practice of this place: and whereas the rights, possessions, and inheritances, of the inhabitants thereof, who for the most part hold under titles which were at one time or other acquired in manner aforesaid, may possibly hereafter without the aid of the Legislature, be called in question, and they or many of them put to great expense in defending the same, who yet as well as their ancestors, thought themselves secure under so general a usage: to the end therefore that all inconveniences of that sort may be prevented, so far as it is right to provide against them; and that no persons may unjustly suffer in their interests, on account of any such proceedings as aforesaid, when there appears to have been no manner of fraud or collusion on the part of those in possession, or of such under whom they claim; and that the law may be explicit and certain for the future in these respects; Be it enacted by his Excellency Sir Thomas Robinson, Baronet, Captain-General and Governor-in-Chief of this and all other His Majesty's Caribbee Islands, lying and being to windward of Guadaloupe, &c., the Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the Titles (Quieting) Act 1745.

Titles (Quieting) Act.

2. No person who is now or shall hereafter be seized or possessed of any lands, buildings, or other property or effects, by virtue of any levy, extension, sale, or conveyance, grounded upon and in pursuance of any judgment, decree, and execution fairly had, obtained and made, conformable to the usage and practice observed in this Island on such occasions, shall be any way disturbed or molested in the quiet and peaceable possession and enjoyment thereof, according to the estate and interest which he, she, or they shall have therein, pursuant to the import of the bill of sale for the same, on pretence that any such proceedings were irregular, and not entirely correspondent to the practice of England; but when any such proceedings as aforesaid shall be excepted to or attempted to be vacated and set aside by any original process or otherwise, if, on a proper inquiry to be made in the respective courts where such question may arise, it shall appear the same were absolutely free from any fraud or collusion, and agreeable to the usage and practice which then obtained here, such proceedings shall be deemed, as they are hereby declared to be, good, valid, and effectual to all intents and purposes whatsoever.

No person holding lands, &c., in pursuance of any judgment, &c., and by virtue of any levy, &c., fairly obtained, and conformable to the practice of this Island, shall be disturbed in his peaceable possession according to his estate on any such pretence as herein mentioned.

Any such proceedings excepted to, if found free from any fraud, and agreeable to the practice then used, shall be valid.

An Act to reduce the rate of Interest to Six per Cent.
[19 May 1754.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

1. This Act may be cited as the Rate of Interest Act Short title 1754.

2. No person or persons whatsoever, from and after the end of one month after the commencement of this Act, upon any contract which shall be made from and after the said time, shall take directly or indirectly for loan of any moneys, goods, wares, merchandise, or other commodities whatsoever, above the value of six pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum or for a longer or shorter time; and all judgments, bonds, contracts, and assurances whatsoever made after the time aforesaid, for payment of any principal or money to be lent, or covenanted to be performed upon

Contracts for interest above the rate of six per cent. per annum void.

Rate of Interest Act.

or for any usury, whereupon or whereby there shall be reserved or taken, above the rate of six pounds in the hundred as aforesaid, shall be utterly void : and all and every person or persons whatsoever who shall after the time aforesaid, upon any contract thereafter to be made, take accept and receive by way or means of any corrupt bargain, loan, exchange, chievement, shift, or interest of any goods, wares, merchandise, or other thing or things whatsoever or by any deceitful way or means whatsoever, or by any covin, engine, or deceitful conveyance for the forbearing or giving day of payment for any whole year, of and for their money or other thing, above the sum of six pounds for the forbearing of one hundred pounds for the year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and lose for every such offence, the treble value of the moneys, goods, wares, merchandises, and other things so lent, bargained, exchanged, and shifted, to be recovered by action of debt, and paid, one half to the person who shall sue for the same, and the other into the Treasury to the credit of the general revenue.

Ten per cent. allowed upon protested bills of exchange.

3. Upon the protest of a bill or bills of exchange, to be drawn after the end of one month after the commencement of this Act ten per cent. shall be taken or allowed ; and so in proportion for a greater or lesser sum, for the damage and interest upon the bill so protested as aforesaid.

An Act for prevention of Frauds and Perjuries.

[16 February 1762].

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same as follows :—

Short title

1. This Act may be cited as the Statute of Frauds 1762.

No action on certain contracts except same reduced to writing.

2. No action shall be brought whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriages of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements, or hereditaments, or any interest in or concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by

.1762—1.

Statute of Frauds.

the party to be charged therewith, or some other person thereunto by him lawfully authorized.

1836—1.

Charles Fort (Vesting) Act.

An Act for vesting Charles Fort and the battery at Kendal's Point in His Majesty his heirs and successors.

[5 August 1836].

WHEREAS it is deemed expedient to invest Charles Fort and the battery at Kendal's Point, with the lands, works, and buildings, thereunto belonging, in His Majesty, his heirs and successors : Be it therefore enacted by the Governor-General, Council, and General Assembly of this Island, and by the authority of the same as follows:—

1. This Act may be cited as the Charles Fort (Vesting) Act 1836. Preamble. Short title.

2. The fort, called Charles Fort, and the battery at Kendal's Point, with the lands, works and buildings thereunto respectively belonging, and all and every the rights and privileges thereof, shall be, and the same, from and after the passing of this Act, are absolutely and for ever vested in His Majesty, his heirs and successors, Charles Fort and battery at Kendal's Point vested in His Majesty.

1838—1.

Notices in Churches (Prohibition) Act.

An Act to alter the mode of giving Notices in Churches during Divine Service.

[13 March 1838].

WHEREAS by divers Acts of this Island relative to elections and to the assessing of taxes and other secular matters, it is directed or required that public notice shall be given with reference to certain proceedings relating thereto respectively in the parish churches, or chapels, or licensed places of worship, during divine service; and it is expedient that such mode of giving notices should be altered : Be it there- Preamble.

Notices in Churches (Prohibition) Act.

fore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Notices in Churches (Prohibition) Act 1838.

Notices not to be given in churches, &c., but affixed on or near church doors, &c., as herein.

2. All notices with reference to such proceedings which under or by virtue of any law, or by custom or otherwise, have been heretofore made or given in churches or chapels, or other licensed places of worship, during or after divine service, shall be reduced into writing, and copies thereof, either in writing or in print, or partly in writing and partly in print, shall previously to the commencement of divine service on the several days on which such notices have heretofore been made or given in the church, chapel, or licensed place of worship, be affixed on or near to the doors of all the churches, chapels, or licensed places of worship within such parish : and such notices when so affixed, shall be in lieu of, and as a substitute for, the several notices so heretofore given as aforesaid, and shall be good, valid, and effectual to all intents and purposes whatsoever. Provided always, that nothing in this Act shall extend or be construed to extend to the publication of banns, nor to notice of the celebration of divine service or of sermons, nor to restrain the curate, in pursuance of the rules in the book of Common Prayer, from declaring unto the people what holy days or fasting days are in the week following to be observed, nor to restrain the officiating minister from proclaiming or publishing what is prescribed by the rules of the book of Common Prayer, or enjoined by the Queen or by the Ordinary of this Island.

Proviso.

Not to extend to the publication of banns &c.

An Act for vesting the land and buildings at Oistin's Fort in the Rector, Churchwarden, and Vestry of the parish of Christ Church for parochial purposes.

[25 April 1838].

Preamble.

WHEREAS the Vestry of the parish of Christ Church, shortly after the dreadful hurricane of the eleventh of August, one thousand eight hundred and thirty-one, by which their parish church and rectory house were totally destroyed, repaired and fitted up the buildings at Oistin's Fort, the property of this colony, as a temporary place of worship, and a residence for the Rector of the said parish. And whereas by an Act of this Island, which passed the fifth day of July one thousand eight hundred and thirty-four, the said build-

Oistin's Fort (Vesting) Act.

ings are vested in the Rector of the said parish of Christ Church and his successors, Rectors of the said parish, until the parish church should be rebuilt, and a mansion-house provided for the Rector. And whereas the said parish church having been completed, the said buildings are no longer required as a temporary place of worship, but the same may be advantageously used for parochial purposes were they permanently vested in the Rector, Churchwarden, and Vestry of the said parish.

Be it therefore enacted by His Excellency Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the authority of the same as follows :—

1. This Act may be cited as the Oistin's Fort (Vesting) Short title. Act, 1838.

2. The said buildings at Oistin's Fort, so as aforesaid Oistin's Fort vested in Rector, &c., of Christ Church. vested in the Rector of the said parish of Christ Church and his successors, shall, together with the land thereto belonging, be and the same are hereby absolutely and for ever vested in the said Rectors, Churchwardens, and Vestries of the said parish of Christ Church and their successors, the Rectors, Churchwardens, and Vestries of the said parish, for such parochial purposes as shall be agreed on by the Rector, Churchwarden, and Vestry for the time being of the said parish of Christ Church, or the major part of them.

An Act for preventing Tumults and Riotous Assemblies and for the more speedy and effectual Punishing of the Rioters.
[26 June 1838].

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

1. This Act may be cited as the Riots (Prevention) Act Short title 1838.

2. If any persons to the number of twelve or more, Riotous assembly. being unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, and being Proclamation to disperse, form of, &c. required or commanded by any one or more Justice or Justices of the Peace, or by the Provost-Marshal, by proclamation to be made in the Queen's name; in the form herein

Riots (Prevention) Act.

after directed, to disperse themselves, and peacefully to depart to their habitations or to their lawful business, shall, to the number of twelve or more, (notwithstanding such proclamation made) unlawfully, riotously, and tumultuously remain or continue together for the space of one hour after such command or request made by proclamation, then such continuing together to the number of twelve or more after such command or request made by proclamation shall subject the person convicted thereof to be imprisoned for any term not exceeding three years.

Form of proclamation.

3. The order and form of the proclamation that shall be made by the authority of this Act shall be as hereafter followeth, that is to say :—the Justice of the Peace or other person authorized by this Act to make the said proclamation shall, among the said rioters, or as near to them as he can safely come, with a loud voice command or cause to be commanded silence to be kept while proclamation is making, and after that shall openly and with a loud voice make or cause to be made proclamation in these words or in like effect :—“Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled immediately to “disperse themselves and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the Act of this Island, made and passed for preventing “tumults and riotous assemblies. God save the Queen.” And every such Justice or Justices of the Peace and Provost Marshal aforesaid, within the limits of their respective jurisdiction, are hereby respectively authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous assembly to resort to the place where such unlawful, riotous, and tumultuous assemblies shall be of persons to the number of twelve or more, and there to make or cause to be made proclamation in manner aforesaid.

Such persons continuing together and not dispersing within an hour, may be apprehended as herein provided.

4. If such persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of them, after proclamation made in manner aforesaid, shall continue together and not disperse themselves within one hour, then it shall and may be lawful to and for each and every Justice of the Peace and Provost-Marshall of the parish or district where such assembly shall be, and also to and for every police officer, constable, and other peace officer within such parish or district, and to and for all such other person or persons as shall be commanded to be assisting unto any Justice of the Peace or Provost-Marshall, who are hereby authorised and empowered to command all Her Majesty's subjects of age and ability

Riots (Prevention) Act.

to be assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend, such persons so unlawfully, riotously, and tumultuously continuing together after proclamation made as aforesaid, and forthwith to carry the persons so apprehended before a Police Magistrate, in order to their being proceeded against for such their offences according to law; and if the persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize or apprehend them, then every such Justice of the Peace, Provost-Marshal, police officer, constable, or other peace officer, and all and singular Her Majesty's lawful subjects being aiding or assisting to them, or any of them, shall be free and discharged and indemnified as well against the Queen's Majesty, her heirs and successors, as against all and every other person or persons of, for, or concerning the killing, maiming or hurting of any such person or persons so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt, as aforesaid.

If killed, &c., in dispersing, &c., by reason of resisting the officers, &c., justified.

5. If any person or persons shall with force and arms wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt, any person or persons that shall begin to proclaim, or go to proclaim according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, then every such opposing, obstructing, letting, hindering, or hurting such person or persons so beginning or going to make such proclamation as aforesaid, and also every such person or persons so being unlawfully, riotously, and tumultuously assembled, to the number of twelve as aforesaid or more, to whom proclamation should or ought to have been made if the same had not been hindered as aforesaid, shall, in case they or any of them to the number of twelve or more shall continue together and not disperse themselves within one hour after such let or hindrance so made, be liable to be imprisoned for any term not exceeding three years.

Hindering the making of proclamation, or remaining together to the number of twelve after such hindrance, subjects offenders to imprisonment.

6. In awarding imprisonment for any of the offences punishable under this Act, it shall be lawful for the court to direct such imprisonment to be with or without hard labour and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceed-

Hard labour and solitary confinement may be added to imprisonment.

1838—3.

Riots (Prevention) Act.

ing one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

Prosecution to
be within 12
months.

7. No person or persons shall be prosecuted by virtue of this Act for any offence or offences committed contrary to the same, unless such prosecution shall be commenced within twelve months after the offence committed.

1841—1.

Colonial Bank Charter Act.

An Act to authorize the enrolment in the Secretary's office of this Island, of copies of the Charter and supplemental Charter of the Colonial Bank ; and to render the same, or certified copies thereof, legal evidence.

[1 October 1841.]

Preamble.

WHEREAS His late most gracious Majesty, King William the Fourth, by his letters patent bearing date at Westminster, the first day of June, in the sixth year of his reign, did give, grant, make, ordain, constitute, declare, and appoint, that John Irving, Andrew Colville, Æneas Barkly, David Barclay, James Cavan, John Alexander Hankey, William Tetlow Hibbert, John Gurney Hoare, John Irving (the younger), Charles McGarel, William Miller, Thomas Masterman, Abraham George Roberts, Patrick Maxwell Stewart, Alexander Stewart, Samuel Gurney, Charles Marryatt, and Thomas Moody, esquires, or such of them as should become subscribers of not less than two thousand pounds each towards the capital or joint stock thereafter mentioned, in the manner thereafter provided ; together with such and so many other person or persons, bodies politic or corporate, as should become subscribers of or towards the capital or joint stock thereafter mentioned, in manner thereafter provided, and such other person or persons, bodies politic or corporate, as should from time to time, in manner thereafter provided, become a proprietor or proprietors of any part of such capital or joint stock (not being a fractional part of one hundred pounds of such stock) should be one body politic and corporate in deed and in name, by the name of "The Colonial Bank ;" and by that name should and might sue and be sued, implead and be impleaded, in all courts whether of law or equity, and should have perpetual succession with a common seal, which might be by them

Colonial Bank Charter Act.

changed or varied at their pleasure. And His Majesty did thereby further declare, that the said corporation should be established for the purpose of carrying on the business of a banker in Jamaica and the other West India Islands and British Guiana, and not elsewhere; subject nevertheless to such restrictions and provisions as were thereafter contained. And His said Majesty did thereby for himself, his heirs, and successors, grant unto the said Colonial Bank and their successors, and did thereby will direct and appoint that it should and might be lawful for the said corporation for the period of twenty years commencing from the first day of May, one thousand eight hundred and thirty six, to carry on the business of bankers, by dealing generally in bullion, money, bills of exchange, and lending money on commercial paper and government securities, and in such lawful ways and means as are usually practised among bankers, subject to the restriction therein mentioned; and did thereby further will and ordain, that it should and might be lawful to and for the corporation, during the same period, to establish one or more principal bank or banks in this Island, and the Island of Jamaica, and in such other islands or places in the West Indies and British Guiana, as by them should be considered expedient, with such branches or agencies, as from time to time might be found convenient; and at and from such principal bank or banks, branches and agencies, or any of them, to make, issue, and circulate, notes payable in dollars to bearer on demand, or otherwise subject to the provisions, regulations, and restrictions therein contained, as by the said letters patent will more fully appear.

And whereas Her present most gracious Majesty, has been pleased to grant a supplemental charter to the said Colonial Bank, by her letters patent, bearing date at Westminster the thirteenth day of October, in the second year of her reign: And whereas the said last-mentioned letters patent so granted as aforesaid by His late most gracious Majesty King William the Fourth, and the said second-mentioned letters patent so granted as aforesaid by Her present most gracious Majesty, remain on record at Westminster, but copies of the same, duly examined and compared with the said original letters patent so granted as aforesaid by His late Majesty King William the Fourth, and by Her present Majesty, have been transmitted to this Island, together with the declaration of John Baptist Holman and John William Sloper, of Mansion House Place, in the city of London, gentlemen, by whom the same were examined and

Colonial Bank Charter Act.

compared, and the said copies of the said letters patent and the said declaration, under the seal of the Lord Mayor of the city of London, have been duly recorded in the Secretary's office of this Island.

And whereas, to obviate any doubts which may arise as to the said copies of the said letters patent so transmitted to this Island, and recorded as aforesaid, and also as to certified copies thereof from the Secretary's office of this Island, being admissible as evidence of the original letters patent,—may it please Your Majesty, upon the humble petition of the said Colonial Bank, that it may be enacted, and be it therefore enacted by His Excellency Major-General Henry Charles Darling, Governor and Commander-in-Chief, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the Colonial Bank Charter Act 1841.

Copies of the examined and recorded copies of the Charter, &c., admitted as evidence.

2. The said copies of the said letters patent, so recorded in the Secretary's office of this Island, and the said declaration shall be, and the same are hereby deemed and taken to be duly and legally recorded; and the same and the record thereof in the said Secretary's office, or any copy or copies thereof at any time or times made and certified by the Secretary of this Island, in the same manner and form as deeds or other records are certified by him, according to the laws of this Island, shall be admitted in all courts and places in this Island as legal evidence, to the extent and for the purposes to which the original letters patent themselves would be admitted, any law, custom, or usage to the contrary thereof in anywise notwithstanding.

Declared to be a public Act.

3. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices and others, without being especially pleaded.

An Act for vesting all Lands and Buildings in this Island, now set apart according to law for purposes of Military defence and service, in the Secretary-of-State for War, and for granting certain powers to the said Secretary-of-State for War in relation thereto. [10 May 1845.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

War Department Lands (Vesting) Act.

1. This Act may be cited as the War Department Short title Lands (Vesting) Act 1845.

2. All messuages, lands, tenements, estates, or other hereditaments which have been heretofore lawfully set apart, and which still remain and stand appropriated according to law for purposes of military defence or service, or which have been heretofore purchased in trust for Her Majesty, or her royal predecessors, and her and their heirs and successors, for the use or service of the Ordnance department, or for other military service or defence, and which have not since been otherwise disposed of according to law, by whatever mode of conveyance the same shall have been so purchased or taken, either in fee or for any life or lives, or any term or terms of years, or any other or less interests; and all erections and buildings which now are, or which shall or may be hereafter erected and built thereon, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be and become, and remain and continue vested in the Secretary-of-State for War in Great Britain for the time being, and his successors in office, according to the respective nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several estates and interests of and in the same hereditaments respectively in trust for Her Majesty, her heirs and successors, for the service of the said Ordnance department, or for such other public service or services as the said Secretary-of-State for War, or his successors in office, shall from time to time order and direct.

3. From and after the purchase and conveyance, grant, or demise, or taking thereof, all other messuages, lands, tenements, estates, and other hereditaments, which shall at any time or times hereafter be purchased by the Secretary-of-State for War, or by any other person by his order, or be placed under his charge for the service of the said Ordnance department; and all erections and buildings which shall then, or which may thereafter be erected and built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, by whatever mode of conveyance, either into or in the name of, or in trust for Her Majesty, her heirs and successors, or however otherwise the same shall be purchased or taken, shall, in like manner, be and become, and remain, and continue vested in the said Secretary-of-State for War, and his successors in office, according to the nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several and respective estates and interests of and in the same respectively in trust as aforesaid.

Lands, &c., set apart for military defence, &c. declared to be vested in the Secretary-of State for War.

Lands, &c. hereafter to be purchased by Secretary-of-State for War to become vested in such Secretary-of-State in trust for Her Majesty.

War Department Lands (Vesting) Act.

The Secretary-of-State for War may sell, exchange, &c., such lands.

4. It shall and may be lawful for the said Secretary-of-State for War, and his successors in office to sell, exchange, or in any manner dispose of, or to let or demise, any of the messuages, lands, tenements, estates and other hereditaments, which shall be vested in him under and by virtue of this present Act, with their respective appurtenances, either by public auction or private contract; and to convey, surrender, assign, or make over, or to grant or demise the same respectively (as the case may require) to any person or persons who may be willing to purchase or take the same in exchange, or otherwise respectively; and also to do any other act, matter, or thing, in relation to any such messuages, lands, tenements, estates, and other hereditaments, which by the said Secretary-of-State for War shall be deemed beneficial to the public service in relation thereto, or for the better management thereof, which might be done by any person having a like interest in any such messuages, lands, tenements, estates, and other hereditaments. Provided always that nothing in this Act contained shall be construed to give to the said Secretary-of-State for War, and his successors in office, a greater or better estate in the said messuages, lands, tenements, estates, and other hereditaments, or any of them, than was vested in Her Majesty, or in the person or persons holding the same in trust for Her Majesty, at the time of the passing of this Act.

Proviso.

The receipt of the Secretary-of-State for War endorsed on the conveyance, &c., a sufficient discharge.

5. The money to arise and be produced by the sale or exchange of any of the said messuages, lands, tenements, estates, or hereditaments, which shall be so sold or exchanged under the provisions of this Act, shall be paid by the respective purchaser or purchasers thereof, or the person or persons making the exchange, to such person or persons as the said Secretary-of-State for War, and his successors in office, shall direct or appoint to receive the same, for the use of Her Majesty, her heirs and successors; and the receipt of the said Secretary-of-State for War for such moneys (such receipt to be endorsed on every such conveyance, or surrender, or assignment as aforesaid) shall effectually discharge the purchaser or purchasers or person or persons, by whom or on whose account the same shall be paid.

After payment of the purchase money and execution of the conveyance, purchaser's title indefeasible.

6. Immediately from and after the payment of such purchase money, and the execution of such conveyance, surrender, or assignment as aforesaid, the purchaser or purchasers therein named, or the person or persons making such exchange as aforesaid, shall be deemed and adjudged to stand seized and possessed of the messuages, lands, tenements, estates, and hereditaments which shall be so

War Department Lands (Vesting) Act.

purchased or taken in exchange by, and conveyed, surrendered, assigned or made over to him, her, or them, respectively, and notwithstanding any defect in the title of the said Secretary-of-State for War thereto, freed, and absolutely discharged of and from all manner of prior estates, leases, rights, titles, interests, charges, incumbrances, claims, and demands whatsoever, which can or may be had, made, or set up into, out of, or upon, or in respect of the same messuages, lands, tenements, estates, or hereditaments, by any person or persons whomsoever, or on any account whatever, save and except such estates, leases, rights, titles, interests, charges, incumbrances, claims, and demands whatsoever, as in any such conveyance, surrender, deed of exchange, or assignment, shall be excepted.

7. The powers, authorities, provisions, matters, and things contained in the Act of the Imperial Parliament 18 and 19 Victoria, chapter 117, so far as the same are applicable, shall form part of this Act and be exercised and exercisable in as full a manner, to all intents and purposes whatsoever, as if the same were set forth in this Act and formed part thereof.

The Imperial Act 18 and 19 Vict. chap. 117, to apply to and form part of this Act.

An Act to provide for the assimilation of the Currency and Moneys of Account of this Her Majesty's Island of Barbados to the Currency and Moneys of Account of the United Kingdom of Great Britain and Ireland.

[21 August 1848.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Assimilation of Currency Act 1848.

2. From and after the coming into operation of this Act, the currency of the United Kingdom of Great Britain and Ireland shall be and become, and is hereby declared to be, the currency of this Her Majesty's ancient colony of Barbados, and from and after the coming into operation of this Act, all receipts and payments, and all gifts, grants, contracts, bargains, sales, agreements, and stipulations, and all bonds, bills, notes, drafts, acceptances, receipts, acknowledgments, undertakings or securities for money, and all transactions, dealings, All receipts and payments and all money matters of any kind to be made and computed in sterling.

Assimilation of Currency Act.

matters, and things whatsoever, relating to money, or involving or implying the payment of money, or the liability to pay any money, which shall be had, made, done, executed, and entered into in this Island shall be had, made, done, executed, and entered into according to such currency of the aforesaid United Kingdom so becoming the currency of this Island, and not in any other manner than according to such currency of the aforesaid United Kingdom (except as hereinafter is specially provided), and all such receipts, payments, gifts, grants, contracts, bargains, sales, agreements, stipulations, bonds, bills, notes, drafts, acceptances, acknowledgments, undertakings, securities, transactions, dealings, matters and things, shall be held, deemed, taken, and construed to be had, made, executed, done, and entered into according to such currency of the aforesaid United Kingdom, so becoming the currency of this Island, and in reference to money of the value circulating in the said United Kingdom at the time of this Act coming into operation in this Island, unless the contrary be proved to have been the intention of the parties concerned.

All bills, debts, &c., to be paid in sterling money at the rate of £156 currency for every £100 sterling.

3. All gifts, grants, contracts, bargains, sales, agreements, and stipulations, and all bonds, bills of exchange, promissory notes, drafts, acceptances, receipts, acknowledgments, undertakings and securities for money, and all debts, due or to grow due, under or by virtue of any recognizance, statute, judgment, award, bond, lease, or other specialty, or by virtue of any simple contract, written or parole, and all transactions, dealings, matters and things whatsoever relating to money, or involving or implying the payment of money, or the liability to pay any money, which shall have been or shall be acknowledged, confessed, awarded, executed, had, made, done, or entered into at any time before the commencement of this Act according to or with reference to the currency of this Island, or as money shall before the commencement of this Act have been valued or named in this Island, shall, from and after the commencement of this Act, be construed and carried into effect, and shall be paid, discharged, and satisfied according to the amount thereof respectively in such currency of the aforesaid United Kingdom, so becoming the currency of this Island as aforesaid, in manner following, that is to say, every sum of the currency of this Island then due, or hereafter to grow due, or to be accounted for in any way (as aforesaid) shall be equivalent to, and shall be stated as and shall be liable to be paid, discharged, satisfied and accounted for at the rate, and in the proportion of one hundred pounds of the currency of

Assimilation of Currency Act.

the aforesaid United Kingdom to every one hundred and fifty-six pounds of the present currency of this Island.

4. From and after the commencement of this Act all taxes, and all rents and revenues payable to Her Majesty her heirs and successors, and all other public and parochial dues, duties, and revenues whatever payable in this Island, shall cease to be estimated in Barbados currency, and shall be converted into the currency of the said United Kingdom, and shall be estimated, levied, collected, received, accounted for, and paid to or by the Public Treasurer or Officer under whose management such duties shall be collected, accounted for, and paid, in the currency of the said United Kingdom so becoming the currency of this Island, to be calculated after the rate declared in and by the second clause of this Act; and the public debts and annuities payable by the public or at the Public Treasury in this Island, and also parochial debts payable to or by parish officers in this Island, shall cease to be estimated in Barbados currency, and shall be converted into the currency of the aforesaid United Kingdom, to be calculated in the manner directed by this Act, and shall be estimated, received, paid, and accounted for according to the amount thereof, in the currency of the said United Kingdom, so becoming the currency of this Island, and all accounts, entries, books, papers, returns, statements, writings, certificates, receipts, and documents whatsoever, relating to the taxes, duties, rents, or revenues, or to any public or parochial debts or annuities, or to any receipts or payments whatever relating to the same, shall be made, kept, and stated in the currency of the United Kingdom, to be calculated as aforesaid, and in no other currency after this Act shall come into operation.

The public as well as parochial receipts and payments to be converted into sterling money, and the public accounts to be kept in that denomination.

5. All debts, contracts, liabilities, matters or things relating to money at any time after the commencement of this Act, arising by implication of law out of or being founded upon any gifts, grants, contracts, bargains, sales, or dealings, matters, or things, made, done, or had prior to the commencement of this Act, shall be had, deemed, and construed to be within the meaning of this Act as debts, gifts, grants, contracts, liabilities, bargains, sales, or dealings, matters, or things, made or had prior to the commencement of this Act, and shall be construed accordingly.

All matters arising out of money transactions prior to this Act, to come within its meaning.

6. Nothing in this Act contained shall be construed to interfere with the circulation of any foreign coins, which by Her Majesty's proclamation now are or shall hereafter be declared current in this Island, at such values in the currency of the United Kingdom as now are or shall hereafter be fixed by any such proclamation or proclamations.

Not to interfere with the circulation of any foreign coins which have been declared current.

1848—2.

Sale of Old Metals Act.

1848—2.

An Act to interdict the sale of old Gold, Silver, Iron, Copper, Lead, and other Metals without a Certificate; and for more effectually preventing the purchase and exportation of stolen articles of the like description.

[29 August 1848.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the Sale of Old Metals Act 1848.

Penalty on persons selling old metals without a certificate from a Magistrate.

2. It shall not be lawful for any person or persons to sell or barter, or to expose or offer for sale or barter, or to have in his, her, or their possession for the purpose of sale or barter, any old gold, silver, iron, copper, lead, brass, or other metal, unless such person or persons shall have a certificate, under the hand of the Police Magistrate of the parish in which he, she, or they shall reside, that he, she, or they is or are, to the best of the knowledge and belief of the party certifying, lawfully entitled to have possession of, or to dispose of such old metal as aforesaid; and all and every person or persons selling or bartering, or exposing or offering for sale or barter, or having in his, her, or their possession, for the purpose of sale or barter, any such old metal without such certificate as aforesaid, shall be deemed to have come by the same unlawfully, and being convicted thereof before any Police Magistrate shall forfeit the same to Her Majesty, her heirs and successors, and shall also incur and pay a fine not exceeding five pounds, or be imprisoned for any period not exceeding three months, at the discretion of the Magistrate: provided always that it shall be competent for any person so charged before any Police Magistrate, to prove that he or she was lawfully in the possession of such old metal as aforesaid.

Penalty on parties purchasing old metals from persons not having such certificate.

3. It shall not be lawful for any person whatsoever to purchase, or to obtain by purchase or barter, or otherwise, from any person or persons, any such old metal as aforesaid, unless such persons shall produce such certificate as aforesaid; and any person or persons so purchasing, or obtaining by purchase or barter, such old metal, shall on due proof thereof being made before any Police Magistrate forfeit such old metal to Her Majesty, her heirs and successors, and shall also incur and pay a fine not exceeding ten pounds, or be imprisoned for any period not exceeding three months, at the discretion of the Magistrate.

Sale of Old Metals Act.

4. If any police officer or constable shall meet or encounter on any highway or road, or in any street, lane or alley, or other public place of any town in this Island, any person or persons who shall have in his, her, or their possession, or whom he shall have just cause to suspect of having in his, her, or their possession, any such old metal as aforesaid, it shall and may be lawful for such police officer or constable, and he is hereby authorized and required, to demand from him, her, or them, such certificate as aforesaid, and in default of its being produced to apprehend the person or persons so offending against this Act, and take the person or persons so apprehended with the articles aforesaid, to the nearest station house, and detain such person or persons in custody, until such time as such person or persons can be brought before a Police Magistrate and the case be heard and determined.

Persons found in the streets with old metals in their possession without certificate, may be brought up.

5. If any person or persons shall offer for sale or barter any old gold, silver, iron, copper, lead, brass or other metal, and the person or persons to whom the same shall be so offered shall suspect the same to have been stolen or unlawfully obtained, it shall and may be lawful for such person or persons to whom the same shall be so offered, and such person and persons are hereby required, to detain the person or persons offering for sale or barter any such old gold, silver, iron, copper, lead, brass, or other metal, until a police officer can be procured, and to deliver the person or persons so detained in charge to such police officer, and such police officer shall take such person or persons before the nearest Police Magistrate, who is required to investigate the circumstances; and if the person or persons so in charge shall not satisfy such Police Magistrate that he, she, or they came honestly by such old gold, silver, iron, copper, lead, brass, or other metal, such Police Magistrate shall commit such person or persons to prison, and advertise such old gold, silver, iron, copper, lead, brass or other metal, in the Official Gazette, with a view to discover the owner or owners thereof; and if within the space of ten days from the detention of the person or persons offering such old gold, silver, iron, copper, lead, brass or other metal, for sale or barter, the owner or owners thereof shall appear and prove his, her, or their right thereto, then such Police Magistrate shall commit the person or persons so detained to take his, her, or their trial at the ensuing Court of Grand Sessions for larceny; but if the owner or owners shall not appear within the space of ten days as aforesaid, then such old gold, silver, iron, copper, lead, brass or other metal, shall be forfeited to Her Majesty, her heirs and successors, and such Police Magistrate shall

Proceedings to be had in respect to parties offering for sale old metals suspected to have been stolen.

Sale of Old Metals Act.

Reward for detaining such person.

sentence the person or persons so in charge for offering any old gold, silver, iron, copper, lead, brass or other metal for sale or barter under such circumstances as aforesaid, to pay a fine not exceeding five pounds to Her Majesty, her heirs and successors, or to imprisonment for any period not exceeding three months, at the discretion of the Magistrate; and the person or persons detaining, or causing any such suspected person or persons to be detained as aforesaid, shall be entitled to a reward not exceeding ten pounds to be awarded by the Police Magistrate, in every case where such suspected person or persons shall fail to satisfy such Police Magistrate that such person or persons was or were the lawful owner or owners of the property so offered for sale or barter, as aforesaid. And the Governor or Commander-in-Chief of the Island for the time being is hereby empowered and respectfully requested to issue his warrant to the Treasurer of the Island for the payment of the sum so awarded.

Stolen property to be restored to its owner.

6. If the rightful owner of any article, seized under the authority of this Act, shall prove to the satisfaction of the Police Magistrate before whom the same shall be brought, that such article was his or her lawful property, and that the same had been stolen or taken from his or her possession, it shall be lawful for such Police Magistrate to restore the same to such owner, and he is hereby directed and required to restore the same accordingly, anything in this Act contained to the contrary notwithstanding.

Half of the penalties under this Act to go to the Crown—the other half to the informer.

7. All penalties imposed by this Act, where the recovery thereof is not otherwise provided for shall be recovered before a Police Magistrate in a summary manner and be divided as hereinafter set forth, that is to say, one moiety to Her Majesty, her heirs and successors, for the use and benefit of the public of this Island, and the other moiety to the informer.

Forfeited articles how to be dealt with.

8. All articles which shall become forfeited under the provisions of this Act shall be ordered to be sold by a Police Magistrate, and the proceeds thereof paid into the Public Treasury for the uses of the Island.

All informations must be laid within twelve months.

9. No plaint, information, or action shall be preferred, commenced, filed, or prosecuted for any offence hereinbefore mentioned, or for the recovery of any penalties incurred under this Act, after the expiration of twelve calendar months after such offence was committed or discovered.

Certificates for selling old metals to be granted gratis.

10. All Police Magistrates are hereby authorized and required to grant such certificates as are required to be given in the first clause of this Act without demanding any fee for the same.

1848—3.

Town Hall (Courts) Act.

1848—3.

An Act to authorize the sittings of the Courts being held at the buildings heretofore called the Town Hall.

[1 December 1848.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

1. This Act may be cited as the Town Hall (Courts) Short title
Act 1848.

2. When and so soon as the buildings heretofore called Courts held at
the Town Hall shall be completed, the holding of the several Town Hall.
courts of this Island shall be removed thereto and held therein, and all such acts, matters, and things as may be had, done, and transacted therein by the several courts and their respective officers, shall be valid and effectual to all intents and purposes whatsoever, in as full and ample a manner as if such sittings had never been removed or held elsewhere.

1848—4.

An Act to authorize the Apprehension of certain Offenders escaping to this Island from any place within the territory or dominions of the Republic of Venezuela, in order that such Offenders may be delivered up to justice.

[1 December 1848.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

1. This Act may be cited as the Venezuela Extradition Short title
Act 1848.

2. In case requisition shall at any time be made by the Any person
government of the Republic of Venezuela to deliver up to charged with
justice any person who, being charged with the crime of crime in Vene-
murder, or of an attempt to commit murder, or of arson, or zuela may upon
of rape, or of piracy, or of robbery, or of forgery, or of requisition from
utterance of any forged security for money, committed that State, be
within the jurisdiction of the said Republic of Venezuela, apprehended
shall be found within this Island, it shall be lawful for the and put in gaol
Governor if he shall see fit, but not otherwise, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace, Police Magistrates, and other officers of justice within this Island,

Venezuela Extradition Act.

and after examination by a Magistrate he may be detained.

to govern themselves accordingly, and to aid in apprehending the person so accused, and committing such person to the common gaol, for the purpose of being delivered up to justice; and thereupon it shall be lawful for any Police Magistrate within this Island, to examine upon oath any person or persons touching the truth of such charges, and upon such evidence as, according to the laws in force in this Island, would justify the apprehension and committal for trial of the person so charged, if the crime or offence with which such person shall be so charged had been committed within this Island, to issue his warrant for the apprehension of such person, and also to commit such person to gaol, there to remain until delivered, pursuant to such requisition as aforesaid.

Copies of depositions to be evidence of his criminality.

3. In every such case, copies of the deposition or depositions, upon which the original warrant for the apprehension of the offender issued by the Magistrate or other authority in Venezuela was granted, certified under the hand and seal of office of the officer of the said Republic making such requisition, may be received in evidence of the criminality of the person so apprehended.

Course to be pursued in delivering the offender over to be taken to Venezuela.

4. Upon the certificate of such Police Magistrate, that such offender has been so committed to gaol, it shall be lawful for the Governor, by warrant under his hand and seal, to order the person so committed to be delivered to such person or persons as shall be authorized by any warrant under the hand of the officer of the said Republic making such requisition as aforesaid, to receive the person so committed, and to convey such person to the place where the crime or offence with which such person is charged was committed, there to be tried for such crime or offence, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid to hold such person in custody, and take such person to the place where such crime or offence was committed: and if the person so accused shall escape out of any custody to which such person shall be committed, or to which such person shall be delivered as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any felony committed within this Island may be retaken upon an escape.

But unless so delivered over within three months, he may be discharged, unless sufficient

5. Where any person who shall have been committed under the authority of this Act to remain until delivered up pursuant to the requisition as aforesaid, shall not be delivered up pursuant thereto and conveyed out of this Island within three calendar months after such committal, it shall in every

1848—4.

Venezuela Extradition Act.

such case be lawful for the Chief Judge of this Island, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Attorney General, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to the said Chief Judge why such discharge ought not to be ordered.

6. This Act shall commence and take effect when and so soon as the Governor shall by proclamation under his hand and the public seal of this Island declare and proclaim that the Legislature of the said Republic of Venezuela hath made sufficient provision by law for the apprehension of offenders escaping to any place within the territory or dominions of the said Republic, who may be charged with having committed within this Island any of the crimes or offences hereinbefore mentioned.

This Act to take effect as soon as it shall be declared that the Venezuelan Republic had made a similar law.

1851—1.

An Act to incorporate "The Barbados Mutual Life Assurance Society."

[16 July 1851.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Barbados Mutual Life Assurance Society Act, 1851.

Short title.

2. Persons who now are or shall hereafter become members of the Barbados Mutual Life Assurance Society shall be and they are hereby declared and adjudged to be one body politic and corporate by the name of "The Barbados Mutual Life Assurance Society," and by that name shall have perpetual succession and a common seal; and shall sue and be sued in all courts and before all justices and others; and shall be able and capable in law to have, hold, receive, enjoy, possess and retain for the ends and purposes of said Society all such goods, chattels, and effects, sums of money, mortgages and other securities for money as have been by them purchased or accumulated, or which shall at any time hereafter be purchased or accumulated by the said Society, of what nature, value, or amount soever; to and for the ends and purposes of the said Society. And all mortgages and other securities for moneys held in the names of Trustees of the said Society shall be and the same are hereby declared to be transferred to and vested in the said Society and its successors, in the corporate name of the said Society, as fully as if the same had been assigned and transferred by the Trustees in whose names the

Incorporation Society.

Barbados Mutual Life Assurance Society Act.

same are now held to the said corporation. And the said corporation shall have full power to assign, transfer, and dispose of all such mortgages and other securities to which they shall be entitled, as the said corporation shall think proper. And the said corporation and their successors by the name aforesaid shall forever hereafter be persons able and capable in the law to purchase, have, hold, receive and enjoy to them and their successors, messuages, lands, rents, tenements and hereditaments of what nature or kind soever, in fee and in perpetuity or for terms of lives or years, not exceeding at any one time the yearly value of ten thousand pounds. And the said corporation shall have full power to sell, grant, demise, exchange and dispose of any of the said messuages, lands, rents, tenements, and hereditaments whereof or wherein they shall have any estates or interests.

By-laws, con-
stitutions, and
ordinances.

3. It shall be lawful for the said corporation or the major part of them present at any half-yearly or other meeting to be held according to the present constitution of the said Society, or as the same may be hereafter altered by the said corporation, in addition to the rules and regulations at present by them established, to make ordain and constitute such and so many by-laws constitutions and ordinances for the transaction of the business of the said Society and the government of the affairs thereof; and the said rules and regulations, by-laws, constitutions and ordinances so as aforesaid already made or to be made, from time to time to alter amend or annul: provided the same be reasonable and not contrary or repugnant to the laws of this Island or the laws or statutes of Great Britain and Ireland in force in this Island.

Powers of prose-
cution of
actions.

4. The said corporation shall have and be invested with all and every the powers and authorities necessary for preferring any indictment, information, or other criminal proceedings; or for the commencing or carrying on any action suit or other proceeding at law or in equity against any individual member of the said Society against whom the said Society may have any claim or demand, or against any other person or persons whomsoever.

1854—1.

An Act to alter the mode of publishing the Acts of this Island.

[10 May 1854.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Publication (Statutes) Act 1854.

Publication (Statutes) Act.

2. Whenever any Act shall be passed by the Legislature of this Island, the Secretary of this Island shall, and he is hereby required, within ten days after the passing thereof, to furnish, or cause to be furnished, a copy of such Act to the public printer, who shall, within ten days after he shall have received the same from the said Secretary, print and publish, or cause to be printed and published, such Act in the Official Gazette.

Secretary to furnish printer with copies of Acts within ten days, and printer to publish same in ten days.

3. If the Secretary of the Island shall neglect or omit to furnish the printer with such copy within the time aforesaid, he shall forfeit the sum of five pounds : and if the public printer shall neglect or omit to print and publish such Act in the manner hereinbefore directed within ten days after the receipt of the same from the Secretary, he shall forfeit the sum of five pounds, such forfeitures to be to Her Majesty her heirs and successors, for the public use of this Island, to be recovered in a summary manner before a Police Magistrate.

Penalty on Secretary and printer for neglect.

4. The public printer shall, within two days after the publication of every Act, furnish to the Secretary of the Island such number of copies thereof as shall be required for the use of the several Vestries of the Island, and the said Secretary shall, within two days next after, cause one of the said copies to be delivered to the Rector of each parish for the use of the Vestry of the parish, and to be preserved amongst the records of the parish : and should default be made herein, the said public printer or the Secretary shall be subject to a penalty of five pounds to be recovered and applied as aforesaid.

Printer within two days after publication to furnish Secretary with copies for the Vestries, and Secretary within two days to cause same to be delivered to Rectors. Penalty for neglect.

An Act to provide for the establishment and maintenance of a Court of Appeal.

[31 January 1857.]

WHEREAS by an Act of the Imperial Parliament passed in the session of Parliament holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act to authorize the establishment of Courts of Appeal for certain of Her Majesty's West India Colonies," it was enacted, that in case it should appear to Her Majesty that, by any Act or Acts to be passed by the Legislatures of Colonies then comprised in the commission of the Governor

Preamble.

Recites the Imperial Act for the establishment of Courts of Appeal in

Windward Islands Court of Appeal Act.

the West
Indies.

of Barbados, or any of such Legislatures, and confirmed by Her Majesty with the advice of her Privy Council, due provision had been made for the establishment and maintenance of such Court of Appeal as thereafter mentioned, and for defining the jurisdiction of such Court in relation to the colony or colonies for which such Act or Acts might be passed, it should be lawful for Her Majesty, by any order to be by her made, with the advice of her Privy Council, to erect and establish for and in relation to the colony for which such Act or Acts might be passed, a Court of Appeal, to consist of such Judge or Judges, and to have such ministerial or other officers thereof as by such Act or Acts might be provided, and that such Court should hold its sittings in such place or places within the said colonies or any of them and at such times, and should have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, rules, and other determinations of all or any of the courts of such colony or colonies, as by such Act or Acts might be provided ; And Whereas it is desirable to expedite and facilitate the hearing and determination of appeals from the superior courts of this Island, and to establish a tribunal which shall be more accessible and less expensive than that of Her Majesty in Council, and to make further amendments in the administration of the criminal laws :

BE it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Windward Islands Court of Appeal Act 1857.

Court for this
Island author-
ised.

2. It shall be lawful for Her Majesty to erect and establish in this Island, in the manner in the said hereinbefore recited Act mentioned, one superior court of judicature to be called the Court of Appeal.

To consist of the
several Chief
Justices in the
Windward Is-
lands.

3. The said Court shall consist of and be holden by the Chief Justices of Barbados, Saint Lucia, Saint Vincent, and Grenada, or the persons acting in their capacities for the time being.

The Court to be
one of record,
and to have a
seal

4. The said Court shall be a court of record, and it shall be lawful for the Governor to order and procure a suitable seal for the said Court, and proper books for the record of the proceedings, judgments, orders, and sentences of the said Court, and to issue a warrant in Executive Committee on the Treasurer of the Island for any sum not exceeding thirty pounds for the cost of the same.

Windward Islands Court of Appeal Act.

5. The Registrar of the Island shall be the Registrar, Appointment and remuneration of Registrar and Marshal. and the Provost-Marshal of the Island shall be the Marshal of the said Court of Appeal in this Island, and shall respectively have such power and authority, and perform such duties, and receive such fees, as shall be necessary for the due conduct and discharge of the business of the said Court, and as the Justices thereof shall direct and award, and a table of such fees settled by the Judge shall be kept in the office of the Registrar for general information.

6. The said Court of Appeal shall hold its sittings, for Sitting of the Court. the hearing of appeals as hereinafter mentioned from the courts of this Island, in the City of Bridgetown, and such sittings shall commence on the second Monday in the month of January, and on the second Monday in the month of July in each year ; and any three of the said Justices shall constitute a court for the transaction of business in the said Court, and any one Justice shall constitute a court for the purpose of adjournment only : provided always that in cases where it shall be necessary, the Chief Justice of Barbados shall, upon due notice being given to him, either attend in court and read his notes or deliver his report of the trial to the Judge who shall be the junior Judge of the Court of Appeal for that cause, who shall, when the case is called on, read the said report : provided always, that if on any occasion it may be found necessary or more convenient to commence the sittings of the said Court of Appeal on other days than those hereinbefore fixed for that purpose, it shall be lawful for the Governor, by proclamation to be published in the Official Gazette of this Island, to appoint and fix some other days in the year on which the sittings of the said Court shall commence.

7. In all sittings of the said Court the judgments, Judgment, or- ders, and other determinations of the majority of the Judges sitting and forming the court shall be deemed and taken to be the judgments, orders, and other determinations of the Court ; and such judgment or judgments shall be delivered in open court in like manner as the judgment of the superior Courts of Common Law at Westminster or Dublin, as the case may be, are delivered ; provided always, that if on any appeal to the said Court the Judges should not be prepared to deliver their judgments before the conclusion of the business at the sitting of the Court at which such appeal has been heard, it shall be lawful for the Judges, at any time before the next sitting of the Court, to deliver their judgments in writing to the Registrar of the said Court, and such

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judgment shall be as valid to all intents and purposes, and have the same force and effect, as if the same had been delivered in open court at the last sitting of the said Court.

Appeal to lie from the final judgment &c., of the Chief Justice of Barbados.

8. (1) It shall be lawful for either of the parties, plaintiff or defendant, to appeal to the said Court of Appeal against any final judgment, decree, order, ruling, or other decision of the Chief Justice of Barbados in the exercise of his legal, equitable, or ecclesiastical jurisdiction; and the judgments, orders, and other decisions of the said Court of Appeal shall be binding upon parties to suits, now or hereafter to be instituted in the courts below, to all intents and purposes as the judgments, orders, and other decisions of the said courts, and shall and may be enforced as if the same were the judgment, order, or other decision of the court from whence the appeal shall proceed.

Definition of final judgment &c.

(2) No judgment, order, decree, ruling, or other decision shall be deemed final, within the meaning of this section, unless such judgment, order, decree, ruling, or other decision shall necessarily operate as between plaintiff and defendant as a determination of the plaintiff's cause of action.

Notice of appeal and subsequent procedure.

(3) The party intending to appeal from any such final judgment, decree, order, ruling, or other decision of the Chief Justice of the Island shall give notice in writing to the adverse party, or his attorney or agent, by himself or his counsel or attorney, of such his intention within three days after the making or pronouncing of such final judgment, decree, order, ruling, or other decision, a copy of which notice and proof of the service thereof by affidavit, to be sworn before the Registrar of the Court, being filed in the Registrar's office, shall operate to stay all proceedings in relation to the execution or further prosecution of the final judgment, order, ruling, or decree which shall be the subject matter of the appeal, until the bond hereinafter referred to shall be executed; and the appellant shall also, within ten days after the making or pronouncing of such final judgment, decree, order, ruling, or other decision, execute a bond with two sufficient sureties to be approved by the Chief Judge to the Registrar of the Court, in such sum to cover the respondent's cost of the appeal as the Chief Judge shall direct, with conditions for the due prosecution of his appeal within six months from the date of the bond, and that he will pay such costs as the said Court shall order.

Procedure stayed on delivery of bond to Registrar

(4) Upon such bond being executed and delivered to the Registrar of the Court within the ten days aforesaid all proceedings in relation to the execution or further prosecution

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of the final judgment, decree, order, ruling, or other decision appealed against shall be stayed until the matter of such appeal shall be disposed of.

(5) In the event of the appellant failing to comply with any of the requirements hereinbefore mentioned, or to prosecute his appeal within the six months aforesaid, the final judgment, decree, order, ruling, or other decision appealed from shall stand confirmed, and the respondent shall be at liberty to proceed thereon on obtaining an order from the Chief Judge to do so. Penalty on failure to comply with foregoing

9. Nothing in this Act contained shall prevent parties from appealing to Her Majesty in Council, either from the established courts in this colony respectively, or from the said Court of Appeal, under such regulations and upon such terms and conditions as Her Majesty in Council shall be pleased to establish. Reserves right of appeal upon such conditions as Her Majesty in Council shall establish.

10. When any person shall have been convicted of any treason, felony, or misdemeanour, before the Court of Grand Sessions, the Chief Justice or Judge before whom the case shall have been tried may, in his discretion, reserve any question of law, which shall have arisen on the trial, for the consideration of the Judges of the Court of Appeal, and thereupon shall have authority to respite execution of the judgment on such conviction, or postpone the judgment until such question shall have been considered and decided, as he may think fit; and in either case the court in its discretion shall commit the person convicted to prison, or shall take a recognizance of bail, with one or two sufficient sureties, and in such sum as the court shall think fit, conditioned to appear at such time or times as the court shall direct, and receive judgment, or to render himself in execution as the case may be. Questions of law in criminal cases may be reserved for this court.

11. The Chief Justice shall thereupon state in a case signed in the manner now usual in the like cases in England, the question or questions of law which shall have been so reserved, with the special circumstances upon which the same shall have arisen, and such case shall be referred to the said Judges of the said Court of Appeal, and the said Judges shall thereupon have full power and authority to hear and finally determine the said question or questions, and thereupon to reverse, affirm, or amend any judgment which shall have been given on the indictment or inquisition in question, on the trial whereof such question or questions have arisen, or to avoid such judgment, and to order an entry to be made on the record that in the judgment of the said Judges the party convicted ought not to have been convicted, or to How questions of law are to be stated, and how judgment is to be given and carried out.

Windward Islands Court of Appeal Act.

arrest the judgment, or order judgment to be given therein at some other session of the Court of Grand Sessions, if no judgment shall have been before that time given, as they shall be advised, or to make such other order as justice may require; and such judgment and order, if any, of the said Judges shall be certified, under the hand of the senior Judge or Judge presiding at the time of the giving the said judgment or making of the said order, to the Registrar of the Island, who shall enter the same on the original record in proper form and a certificate of such entry under the hand of the Registrar in the form as near as may be or to the effect mentioned in the schedule annexed to this Act with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted by him to the Provost-Marshall or gaoler in whose custody the person convicted shall be, and the said certificate shall be a sufficient warrant to such Provost-Marshall or gaoler for the execution of the judgment as the same shall be so certified to have been affirmed or amended, and execution shall be thereupon executed on such judgment, and for the discharge of the person convicted from further imprisonment if the judgment shall be reversed, avoided, or arrested, and in that case such Provost-Marshall or gaoler shall forthwith discharge him, and also the next Court of Grand Sessions shall vacate the recognizance of bail, if any; and if the Court of Grand Sessions shall be directed to give judgment the said court shall proceed to give judgment at the next session.

Cases may be sent back to be amended.

12. The said Court of Appeal, when a case has been reserved for its opinion, shall have power, if they think fit, to cause the case or certificate to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

Writs of error in criminal cases how to issue and to be dealt with.

13. Writs of error may, on sufficient probable cause shown to Her Majesty's Attorney General for this Island, be brought upon any judgment or any indictment, information, presentment, or inquisition in any criminal case, but such writs shall hereafter be made returnable only before the Judges of the said Court of Appeal, any law or statute to the contrary notwithstanding, and proceedings being thereupon had as in the case of writs of error: whenever the said Court shall reverse the judgment, it shall be competent for the said Court either to pronounce the proper judgment or to remit the record to the court below in

Windward Islands Court of Appeal Act.

order that such court may pronounce the proper judgment upon such indictment, information, presentment, or inquisition.

14. Copies of the judgments, orders, or other determinations of the said Court of Appeal, certified under the hand of the Registrar and seal of the said Court, shall be conclusive evidence of such judgments, orders, or other determinations, and of all matters therein contained in all legal proceedings, and in all and singular the courts of this Island. Copies of judgments &c., certified by the Registrar, to be good evidence.

15. It shall be lawful for the Judges of the said Court, jointly, or any three of them, to make such rules, orders, and regulations respecting appeals and the practice and mode of proceeding in the same, and the conduct and duties of the officers and practitioners therein, as to them shall seem fit; provided always, that all such rules, orders, and regulations so made as aforesaid shall be laid before the Governor-in-Executive Committee for the time being, for his approval and sanction; and no such rule, order, or regulation shall take effect or be of any force whatever until two months after the same shall have been so laid before the Governor for his approval and sanction; provided always, that it shall be lawful for Her Majesty in Council to disallow any such rule, order, or regulation. Rules of court to be made and laid before the Governor-in-Executive Committee.

16. As well the costs of defending any final judgment, decree, order, ruling or other decision appealed from, as of prosecuting any appeal, or in any matter intervening in any cause of appeal and the costs on either side, or of any party to the subject-matter of appeal and the costs of opposing any matter which shall be referred to the said Court, shall be paid by such party or parties, person or persons, and in such proportions as the Court shall order, and such costs shall be taxed by the Registrar under the order and direction of the Court. Costs to be paid as the Court shall order, and to be taxed by the Registrar.

17. The judgments, orders, and sentences of the Court of Appeal shall and may be enforced in this Island by all necessary writs under the hand and seal of the Judge or officer whose duty it may be to issue similar writs in the court wherein the judgment, order, or sentence against which the appeal was made was first pronounced. Judgments to be enforced in the same way as in the court of first instance.

18. It shall be lawful for the Governor to draw upon the Treasurer of the Island for any sum not exceeding in any one year the sum of three hundred and fifty pounds, as may be requisite to defray a just proportion of the expenses of the said Court. Expenditure of 350*l* for expenses authorized.

Windward Islands Court of Appeal Act.

Penalty on forging or altering documents.

19. Every person who shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to have been forged or altered, any certificate of or copy certified by the senior Judge or Judges presiding at the time, or any certificate of or copy certified by the Registrar of the said Court or his deputy, with intent to cause any person to be discharged from custody, or otherwise to prevent the due course of justice, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to penal servitude for any term not exceeding six years or to be imprisoned for any term not exceeding three years, with or without hard labour, and solitary confinement, both or either, at the discretion of the court.

The Chief Justice not to lose any salary by reason of his absence as a member of Court of Appeal. Person acting for the Chief Judge in his absence, if a member of Assembly, not to vacate his seat.

20. The right of the Chief Justice of this Island to his full salary as Chief Judge shall not be in any way affected by his absence from the Island while in the performance of his duties as a Judge of the said Court of Appeal, any law or statute to the contrary notwithstanding.

21. No person being a member of the General Assembly who may be appointed to act as Chief Judge of this Island during the absence of the Chief Judge on duty as a Judge of the Court of Appeal, shall be deemed by the acceptance of such office to have vacated his seat in the said General Assembly.

SCHEDULE.

WHEREAS at the session of the Court of Grand Sessions held at Bridgetown for the Island of Barbados, on the day of before Chief Justice of the said court, A. B., late of having been found guilty of felony, and judgment thereupon given that (*state the substance*), the court reserved a certain question of law for the Judges of the Court of Appeal, and execution was thereupon respite in the meantime.

This is to certify, that the said Judges having met and held a court at Bridgetown in the Island of Barbados, on the day of it was considered by the said Judges there, that the said judgment should be annulled, and an entry made on the record that the said A.B. ought not in the judgment of the said Judges to have been convicted of the felony aforesaid; and you are therefore

1857—1.

Windward Islands Court of Appeal Act.

hereby required forthwith to discharge the said A. B. from your custody.

To the Gaoler of _____ and the Provost Marshal
of _____ and all whom it may concern.

Signed by,

E. F.,

Registrar of the Court of Appeal.

1857—2.

West Indian Church Association Act.

*An Act to incorporate the West Indian Church Association
for the furtherance of the Gospel in Western Africa.*

[19 August 1857.]

WHEREAS the Bishop of the diocese and many of the clergy Preamble.
and inhabitants of this Island have united together, under
the name of "The West Indian Church Association for the
furtherance of the Gospel in Western Africa," for the pur-
pose of establishing and supporting one or more missionaries
in Western Africa for the propagation of the Gospel, and
they have petitioned the Legislature to incorporate them the
better to enable them to carry out their charitable designs :
And whereas it is deemed expedient to grant the prayer of
the petition : May it therefore please Your Majesty that it
may be enacted, and be it therefore enacted, by the Gov-
ernor, Council, and Assembly of this Your Majesty's Island
of Barbados, as follows :—

1. This Act may be cited as the West Indian Church Short title.
Association Act 1857.

2. The Bishop of the diocese, the Chancellor of the Trustees declar-
diocese, the Archdeacon of Barbados, the Principal of ed.
Codrington College, the Rural Dean of Barbados, and the
Rector of Saint Michael's parish, Barbados, are hereby de-
clared to be trustees of the said association ; and the trustees
for the time being, together with the associates, or working
members of the association duly elected and qualified accord-
ing to the rules of the association, shall be and they are
hereby declared and adjudged to be one body corporate and Association in-
politic in deed, name, and law, by the name of "The West der the name of

West Indian Church Association Act.

"The West Indian Church Association for the furtherance of the Gospel in Western Africa."

May sue and be sued, &c.

May hold personal property to any amount, and real property to the amount of 1000*l.* per annum.

Power to sell lands &c.

All securities for money in the names of any of the association vested in the corporation.

Indian Church Association for the furtherance of the Gospel in Western Africa ;" and by the same name they shall have perpetual succession, and shall and may use a common seal for the business and affairs of the said association, with power to change, alter, break, and make new the same, when and as often as they shall judge the same expedient ; and they and their successors, by the same name, may sue, implead and be impleaded, answer and be answered unto, defend and be defended, in all or any court or courts of record and places of judicature, and before any judge, justices, or officers within this Island, in all and singular actions, pleas, suits, matters, and demands of what kinds or quality soever they shall be, and may do all acts, matters, and things relating to themselves and their corporate property, real and personal, in as ample a manner and form and as fully and effectually as any other of Her Majesty's subjects lawfully may or can ; and they and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain for the ends and purposes of this Act, all such goods, chattels, and effects, sum and sums of money and securities for money, as have been given and bequeathed, or have been by them purchased or accumulated, or which shall or may at any time or times hereafter be paid, given, or bequeathed by any charitable or well-disposed person or persons, or which shall be purchased or accumulated by the said association, of what nature, value, or account soever, to and for the charitable ends and purposes of the said association ; and that they and their successors by the name aforesaid, shall and may for ever hereafter be persons able and capable in the law to purchase, have, take, hold, receive, and enjoy to them and their successors, messuages, lands, rents, tenements, annuities, and hereditaments of what nature or kind soever, in fee and in perpetuity or for terms of lives or years, not exceeding the yearly value of one thousand pounds, in all issues beyond reprises for the better carrying on the charitable ends and designs of the said association ; and the said corporation shall have full power to grant, demise, exchange, and dispose of any of the same messuages, lands, rents, tenements and hereditaments whereof or wherein they shall have any estate or interest as aforesaid. And all mortgages and other securities for money held in the names of any persons as trustees of the said society shall be and the same are hereby declared to be transferred to and vested in the said association and its successors, in the corporate name of the said association, as fully as if the same had been assigned and transferred by the trustees, in whose names the

West Indian Church Association Act.

same are now held, to the said corporation. And the said corporation shall have full power to assign, transfer, and dispose of all such mortgages and other securities to which they shall be entitled as the said corporation shall think proper.

3. The said trustees and associates or any five or more of them, shall be a board of management for conducting the business of the said corporation, provided that of that number one at least be a trustee, to be held at such times as shall be appointed for that purpose by the said trustees and associates or any board of them.

Board of management composed of five or more of the trustees and associates.

4. The members of the said corporation assembled, or any board of management of them or the major part of them so assembled (but the members so assembled not to consist of less than five), shall have full power and authority in the name of the said corporation, and on their account, to apply and dispose of the moneys, goods, and effects belonging to the said corporation for the purpose of procuring one or more missionary or missionaries for the furtherance of the Gospel in Western Africa, and for any other purpose relating to the said charity and the benefit thereof, at their discretion, and they shall have also full power and authority to purchase or take upon lease, or to sell, or agree to sell or let, lands, tenements, or hereditaments, and to direct the investment of money, or the sale or exchange of securities, and the general disposition and management of the property of the said corporation, and with and under their common seal to enter into any covenant or contract for the purposes aforesaid, or for any other purpose or purposes for the better effecting and carrying on the charitable designs of the said association : Provided always, nevertheless, that no lands, tenements, or hereditaments shall be purchased or leased, or agreed to be purchased or leased, nor shall any lands, tenements, or hereditaments be sold or let, or agreed to be sold or let, nor shall any money belonging to the said corporation be invested, nor shall any securities belonging to the said corporation be changed or sold, without the consent in writing of the major part of the trustees residing in this Island at the time of every such purchase, lease, sale, or letting of any such lands, tenements, or hereditaments, or investment of any money or charge, or sale of any such securities as aforesaid.

Power of the board of management.

Consent of trustees necessary in buying, selling, or leasing lands, &c.

5. It shall be lawful for the said board of management of the said corporation or the major part of them, at any general or special meeting assembled, to order or dispose of

Power to make bye-laws.

West Indian Church Association Act.

the custody of their common seal and the use and application thereof, and to make, ordain, and constitute such bye-laws, constitutions, and ordinances, for the government of the officers and servants of the said corporation, and for the transaction of the business of the said corporation, as to the members present at such general or special meeting, or the major part of them, shall seem necessary and convenient : and from time to time to alter or annul the same and to make other bye-laws, constitutions, and ordinances ; and the same bye-laws, constitutions, and ordinances so made shall be duly kept and observed, provided the same be reasonable, and not contrary to the laws of this Island or to the laws or statutes of Great Britain in force in this Island.

Appointment of
treasurer and
other officers.

6. The said board of management, or the major part of them, shall from time to time and at all times as occasion shall require, have power to appoint a treasurer or treasurers, secretary or secretaries, or other superior officers as shall be necessary for the transaction of any of the affairs and business of the said corporation, for so long and upon such conditions, and with such salary or emoluments to be paid and allowed out of the funds and effects of the said corporation, as to the said board of management, or the major part of them, for the time being shall seem meet ; all or any of which officers may from time to time be removed by the said board of management, or the major part of them, and all vacancies filled up.

Treasurer to
place moneys in
the Colonial
Bank.

7. Until otherwise directed by any rule, order or bye-law to be made as aforesaid, it shall be lawful to and for the treasurer for the time being to place out to the credit of the said corporation in the Colonial Bank all or any sum or sums of money as hath or have been given or bequeathed, or shall at any time hereafter be given or bequeathed, for the charitable ends and purposes of the association.

Question to be
decided by vote.

8. All questions upon the proceedings of the said corporation at any meeting of the members or board of management shall be decided by vote, and in case of an equality of votes the chairman of the meeting shall have the casting vote ; but no question shall be decided without the presence of five members at the least of the board of management.

Officers of the
corporation may
be compelled to
render accounts
on oath.

9. All and every officer or servant of the said corporation shall from time to time when thereunto required by any three or more trustees or associates, or any board of management, make and render to the said board of management a true, exact, and perfect account in writing under his or their respective hands upon oath to be taken before two or more of the trustees or associates, which oath any

West Indian Church Association Act.

two or more of the trustees or associates are hereby empowered to administer, of all moneys and effects which he or they and every of them respectively shall to that time have received, paid, disbursed or been intrusted with, or by reason of their respective offices ; and in case any money or effects, the property of the said association, shall remain in their or any of their hands, the same shall be paid or handed over to the board of management or any five or more of them, or to such person or persons as the board of management or any five or more of them shall appoint to receive the same ; and in case any such officer or other person shall not make and render or shall refuse to verify on oath or affirmation any such account, or to make such payment or delivery as aforesaid, then any one or more of the Police Magistrates of Bridgetown shall and may, upon complaint to him or them, make inquiry of and concerning such default in a summary way, as well by confession of the parties themselves as by testimony of one or more credible witness or witnesses upon oath (which oath the said Police Magistrate or Police Magistrates is or are hereby empowered to administer) ; and if such officer or person shall be convicted of any such offence such Police Magistrate or Magistrates shall upon such conviction commit the party offending to prison, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as aforesaid, or until he or they shall have compounded and agreed with the board of management or the major part of them and paid such composition money, which composition the said board of management are hereby empowered to make.

And in case of refusal may be proceeded against in a summary manner.

An Act to incorporate the Ladies' Association for the relief of the Indigent Sick and Infirm.

[26 June 1861.]

WHEREAS Mary Ann McBreedy, Ann Belle Grant, Susanna Preamble. Bruce McBreedy, Eliza Ann Barry Carter, Mary Elizabeth Lake Anton, Albino Wilson, and many other ladies of this Island, have united together under the name of the "Ladies' Association for the Relief of the Indigent Sick and Infirm," and the better to enable them to carry out their charitable designs, it is deemed expedient to incorporate them. May it please Your Majesty that it may be enacted, and be it

Ladies' Association Act.

therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

Short title **1.** This Act may be cited as the Ladies' Association Act 1861.

Association incorporated under the name of the "Ladies' Association for the Relief of the Indigent Sick and Infirm." **2.** The said Mary Ann McBreedy, Ann Belle Grant, Susanna Bruce McBreedy, Eliza Ann Barry Carter, Mary Elizabeth Lake Anton, and Albino Wilson, together with the other ladies of the association duly elected and qualified, and hereafter to be elected according to the rules of the association, shall be and they are hereby declared and adjudged to be one body corporate and politic in deed, name, and law by the name of "The Ladies' Association for the Relief of the Indigent Sick and Infirm," and by the said name they shall have perpetual succession, and shall and may use a common seal for the business and affairs of the said association, with power to change, alter, break, and make new the same, when and as often as they shall judge the same expedient ; and they and their successors by the same name may sue, implead, and be impleaded, answer, be answered unto, defend and be defended in all or any court or courts of record and places of judicature, and before any judge, justices, or officers within this Island, in all and singular actions, pleas, suits, matters and demands of what kind or quality soever they shall be, and may do all acts matters and things relating to themselves and their corporate property, real and personal, in as ample a manner and form, and as fully and effectually as any other of Her Majesty's subjects lawfully may or can ; and they and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain, for the ends and the purposes of this Act, all such goods, chattels, and effects, sum and sums of money, and securities for money, messuages, lands, rents and tenements as have been given and bequeathed or have been by them purchased or accumulated or which shall or may at any time or times hereafter be paid, given, or bequeathed by any charitable or well-disposed person or persons, or which shall be purchased or accumulated by the said association, of what nature, value, or account soever, to and for the charitable ends and purposes of the said association, and they and their successors by the name aforesaid shall and may for ever hereafter be persons able and capable in the law to purchase, have, take, hold, receive, and enjoy, to them and their successors, messuages, lands, rents, tenements, annuities and hereditaments, of what nature or kind soever, in fee and in perpetuity, or for terms of lives or years,

May sue and be sued &c.,

May hold personal property to any amount and real property to the amount of 1000*l* per annum.

Ladies' Association Act.

not exceeding the yearly value of one thousand pounds, in all issues beyond reprises for the better carrying on the charitable ends and designs of the said association; and the said corporation shall have full power to grant, demise, exchange, and dispose of any of the same messuages, lands, rents, tenements and hereditaments, whereof or wherein they shall have any estate or interest as aforesaid. And all mortgages and other securities for money, messuages, lands and tenements, held in the names of any persons as trustees of the said society, shall be and the same are hereby declared, to be transferred and vested in the said association and its successors, in the corporate name of the said association, as fully as if the same had been assigned and transferred by the trustees in whose names the same are now held to the said corporation. And the said corporation shall have full power to assign transfer and dispose of all such mortgages and other securities to which they shall be entitled, as the said corporation shall think proper.

Power to sell lands, &c.

All securities for money in the names of any of the society vested in the corporation.

3. The board of management for conducting the business of the said corporation shall consist of five members of the association, to be held at such times as shall be appointed by the associates.

Board of management comprised of five members.

4. The members of the said corporation assembled, or any board of management of them, or the major part of them so assembled (but the members so assembled not to consist of less than five), shall have full power and authority, in the name of the said corporation, and on their account, to apply and dispose of the moneys, goods, and effects, belonging to the said corporation, for the purpose of relieving the indigent sick and infirm, and for any other purpose relating to the said charity, and the benefit thereof, at their discretion; and they have also full power and authority to purchase, or take upon lease, or to sell, or to agree to sell or let, lands, tenements, or hereditaments, and to direct the investment of money, or the sale or exchange of securities, and the general disposition and management of the property of the said corporation, and with and under their common seal to enter into any covenant or contract for the purposes aforesaid, or for any other purpose or purposes for the better effecting and carrying on the charitable designs of the said association.

Power of the board of management.

5. It shall be lawful for the said board of management of the said corporation, or the major part of them, at any general or special meeting assembled, to order and dis-

Power to make bye-laws.

Ladies' Association Act.

pose of the custody of their common seal, and the use and application thereof, and to make, ordain, and constitute such bye-laws, constitutions, and ordinances, for the government of the officers and servants of the said corporation and for the transaction of the business of the said corporation as to the members present at such general or special meeting, or the major part of them, shall seem necessary and convenient, and from time to time to alter or annul the same, and to make other bye-laws, constitutions, and ordinances; and the same bye-laws, constitutions, and ordinances so made, shall be duly kept and observed, provided the same be reasonable and not contrary to the laws of this Island, or to the laws or statutes of Great Britain in force in this Island.

Appointment of
treasurer and
other officers.

6. The said board of management, or the major part of them, shall from time to time and at all times as occasion shall require, have power to appoint a treasurer or treasurers, secretary or secretaries, or other superior officers as shall be necessary for the transaction of any of the affairs and business of the said corporation, for so long, and upon such conditions, and with such salary or emoluments to be paid and allowed out of the funds and effects of the said corporation, as to the said board of management, or the major part of them for the time being, shall seem meet; all or any of which officers may, from time to time, be removed by the said board of management, or the major part of them, and all vacancies filled up.

Treasurer to
place moneys in
the Colonial
Bank.

7. Until otherwise directed by any rule, order, or bye-law, to be made as aforesaid, it shall be lawful to and for the treasurer for the time being to place out to the credit of the said corporation in the Colonial Bank all or any sum or sums of money as hath or have been given or bequeathed, or shall at any time hereafter be given or bequeathed, for the charitable ends and purposes of the association.

Questions to be
decided by vote.

8. All questions upon the proceedings of the said corporation, at any meeting of the members or board of management, shall be decided by vote, and in case of an equality of votes the chairman of the meeting shall have the casting vote; but no question shall be decided without the presence of five members at the least of the board of management.

1862—1.

Remission of Penalties Act.

1862—1.

An Act to amend the law concerning the Remission of Penalties.
[23 August 1862.]

WHEREAS penalties which under penal statutes are made payable to the Treasurer of the Island for the use of the public, and to parties other than the Crown, cannot be remitted or pardoned by the Crown, where no express provision has been made by the statute for that purpose, and it is expedient that the law as to the remission of such penalties should be amended and made uniform: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.

1. This Act may be cited as the Remission of Penalties Act 1862. Short title

2. It shall be lawful for the Governor to remit in whole or in part any sum of money which under any Act now in force or hereafter to be passed may be imposed as a penalty or forfeiture on a convicted offender, although such money may be in whole or in part payable to the Treasurer of the Island for the use of the public, or to some party other than the Crown; and to extend the royal mercy to any person who may be imprisoned for non-payment of any sum of money so imposed, although the same may be in whole or in part payable to the Treasurer of the Island for the uses of the public, or to some party other than the Crown. The Governor may, by order on the Colonial Treasurer, direct the refund from the Treasury of the whole or any part of any penalty paid into the Treasury, and subsequently remitted by the Governor.

Remission by the Governor of penalties payable to parties other than the Crown.

1862—2.

An Act for vesting all Estates and Property in this Island occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland in the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral of the said United Kingdom for the time being.

[19 September 1862.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

1. This Act may be cited as the Naval Property (Vesting) Act 1862. Short title

Naval Property (Vesting) Act.

Vesting in the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral for the time being, of all lands &c., now held for naval purposes.

2. From and after the passing of this Act all messuages, lands, tenements and hereditaments, erections, buildings, and property whatever, which have been conveyed to, or vested in any person, or are held, or in any manner occupied by or in the name of any person in trust for Her Majesty or her royal predecessors, and her or their heirs or successors for the use of the naval service of the United Kingdom, or of any of the departments of or belonging to the naval service by whatever mode of conveyance or by whatever title, or for whatever estate or interest therein, the same shall have been conveyed or be vested, held or occupied, together with the rights, members, easements and appurtenances to the same respectively belonging, shall be, and become, and remain, and continue vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral for the time being, according to the respective nature and quality of the said messuages, lands, tenements and hereditaments, and the several estates and interests of and in the same respectively in trust for Her Majesty, her heirs and successors for the public service.

And of all lands, &c., hereafter to be purchased, &c.

3. From and after the purchase and conveyance, grant, or demise thereof, all other messuages, lands, tenements and hereditaments, which shall at any time hereafter be purchased, taken, held, or occupied by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being, or by any person by his or their order for the naval service of the said United Kingdom, or of any of the departments of or belonging to the said naval service; and all erections and buildings which shall then or may be thereafter erected or built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, shall in like manner be, and become, and remain, and continue vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being, and his or their successors in the said office, according to the respective nature and quality of the said messuages, lands, tenements and hereditaments, and the several estates and interests of and in the same respectively in trust as aforesaid.

Upon death, &c., of the present or any future Commissioners, lands, &c., to be vested in suc-

4. Upon the death, resignation, or removal of the present Commissioners for executing the office of Lord High Admiral of the said United Kingdom, or of any of them, or of any future such Commissioners, or of any Lord High Admiral of the said United Kingdom, all such messuages,

Naval Property (Vesting) Act

lands, tenements, and hereditaments respectively shall become vested in and be held by the succeeding Commissioners for executing the office of Lord High Admiral aforesaid, or the Lord High Admiral aforesaid, as the case may be, and so in perpetual succession according to the respective nature and quality of the said messuages, lands, tenements and hereditaments, and the several estates and interests of and in the same respectively in trust as aforesaid.

5. In all deeds, conveyances, leases, contracts, and other instruments touching any estate, property, matter, or thing relating to the naval service of the said United Kingdom or to any department under the control of the Commissioners for executing the office of Lord High Admiral aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "The Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," without expressing their names; and all such deeds, conveyances, leases, contracts and other instruments wherein the said Commissioners shall be so described, and the execution or signature thereof by any two of them, shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein and had executed or signed the same.

6. It shall and may be lawful for the Commissioners for executing the office of Lord High Admiral aforesaid for the time being or any two or more of them, or the Lord High Admiral aforesaid, to sell, exchange, or in any manner dispose of or let, or demise any of the messuages, lands, tenements and hereditaments respectively which shall be vested in them under or by virtue of this Act with their respective appurtenances, either by public auction or private contract, and in due form of law to convey, surrender, assign, or make over, or to grant or demise the same respectively, as the case may require, to any person who shall be willing to purchase or take the same respectively, and also to do any other act matter or thing in relation to any such messuages, lands, tenements, and hereditaments which they or he shall deem beneficial for the public service in relation thereto, or for the better management thereof, which might be done by any person or persons having a like interest in any such messuages, lands, tenements or hereditaments.

7. It shall be lawful for the said Commissioners for executing the office of Lord High Admiral aforesaid for the time being, or the Lord High Admiral aforesaid for the time being, and they are hereby authorized and empowered to

ceeding Commissioners.

Title of Commissioners.

Power to Commissioners, or any two of them, or Lord High Admiral to sell, &c.

Power to Commissioners to take proceedings at law or in equity for recovery.

Naval Property (Vesting) Act.

ering possession of lands, &c. bring, prosecute, and maintain any action, suit or other proceeding at law or in equity for recovering possession of any messuages, lands, tenements or hereditaments by this Act vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof under any demise from the said Commissioners or Lord High Admiral, or any person on their or his behalf, or on behalf of Her Majesty, and also to bring, prosecute, or maintain, or to defend any other action or suit in respect of or in relation to the said messuages, lands, tenements or hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto; and in every such action or suit, the said Commissioners shall be called "The Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland," without naming them, and no such action or suit shall abate by the death, resignation, or removal of such Commissioners or any of them, or of such Lord High Admiral, any law, custom or usage to the contrary notwithstanding: And the said Commissioners or Lord High Admiral shall be entitled to recover costs for and on behalf of Her Majesty where judgment shall be given for the Crown, and shall be liable to pay costs where judgment shall be given against the Crown, in any such action, suit or other proceeding in like manner and subject to the same rules and provisions as though such action, suit, or other proceeding had been had between subject and subject.

An Act to enable the Reverend Grant Thomas Bowen to exercise his office as a Clergyman within this Island.

[14 October 1863.]

Preamble

WHEREAS by the third section of an Act passed in the twenty-sixth year of His late Majesty King George the Third, chapter eighty-four, intituled, "An Act to empower the Archbishop of Canterbury or the Archbishop of York for the time being, to consecrate to the office of a bishop persons being subjects or citizens of countries out of his Majesty's dominions," it was enacted that no person or persons admitted to the order of deacon or priest by any bishop or bishops so consecrated, or by the successor or successors of any bishop or bishops so consecrated, should be thereby enabled to exercise his or their respective office

1863—1.

Rev. Bowen's Act.

or offices within His Majesty's dominions. And whereas by the first section of an Act passed in the twenty-sixth and twenty-seventh year of Her Majesty Queen Victoria, entitled an Act to establish the validity of acts performed in Her Majesty's possessions abroad, by certain clergymen ordained in foreign parts, and to extend the powers of colonial legislatures with respect to such clergymen, it was enacted that it should be lawful for the legislature of any of Her Majesty's possessions abroad by any law or laws to be by them passed, to authorize any persons admitted to the order of priest or deacon, by any of such bishops as are mentioned in the first recited Act, to exercise their respective offices in such possession, anything in the aforesaid Act of Parliament to the contrary notwithstanding; and all laws heretofore passed by any such legislature for that purpose should be and the same were thereby declared to be valid and effectual to all intents and purposes. And whereas the said Grant Thomas Bowen has been admitted in the holy order of priesthood by a Bishop of the Protestant Episcopal Church in the United States of America, and he is desirous of exercising his office of a clergyman in this Island. Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:

1. This Act may be cited as the Rev. Bowen's Act Short title. 1863.

2. It shall be lawful for the said Grant Thomas Bowen to exercise his office within this Island, provided he shall produce letters of orders of deacon and priest, and shall take and make all such oaths, declarations, and subscriptions as are by law required, in order to obtain a license to hold any cure from the Bishop of this diocese, or in his absence from the Vicar-General.

Rev. Grant Thomas Bowen authorized to exercise his office as a clergyman with in this Island.

1864—1.

An Act to make better provision for the collection and delivery of the water of Porey's Spring.

[21 December 1864.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Porey's Spring Act Short title 1864.

Porey's Spring Act.

Power to make
and maintain
works.

2. The Vestry of the parish of Saint Thomas are hereby authorized to make, construct, and maintain, and from time to time to alter and enlarge, all such works as are necessary for the purpose of collecting and delivering the water of Porey's Spring ; and to do all such matters and things as to them shall seem necessary or desirable for carrying out the undertaking.

Power to purchase or lease
lands.

3. It shall be lawful for the Vestry to contract and agree with the owners of any lands adjoining the said spring, which shall be required for the purposes of this Act, for the absolute purchase of the same, or for leasing the same for a consideration in money, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

Power to expend
surplus parochial funds, and
to lay rates.

4. It shall be lawful for the said Vestry to expend any surplus funds remaining in their hands, after paying the parochial expenses for the current year, and from time to time to lay such rate on the inhabitants of the parish as may be required for the purposes of this Act.

Power to charge
for water.

5. For the maintenance of the said works, it shall be lawful for the said Vestry, if they see fit, to make a small charge for water delivered from the said spring to persons other than the inhabitants of the parish of Saint Thomas ; provided that such charge shall not exceed the rate of one penny for one hundred and twenty gallons.

Penalty for
obstructing or
injuring works.

6. Every person who shall wilfully obstruct any person acting under the authority of the said Vestry in the construction of the said works, or deface, or destroy, or injure any works made for the purpose, shall pay the cost of repairing the said works, and be liable to a penalty not exceeding five pounds for every such offence, to be recovered in a summary way before a Police Magistrate, and paid to the Parochial Treasurer of the said parish of Saint Thomas, and to be applied by the said Vestry in maintaining the said works.

An Act to authorise the Vestry of the parish of Saint George to raise a sum of money annually to be paid to the Rector for Compensation for a portion of the Glebe land appropriated by the said Vestry as a burial ground.

[17 April 1867.]

Preamble.

WHEREAS the Rector, Vestry, and Churchwarden of the parish of Saint George, have by their humble petition to the

1867—1.

Compensation (Rector of Saint George) Act.

House of Assembly set forth, that in the year 1854, in consequence of the existence of cholera, the Vestry of the parish being desirous that the bodies of persons dying of that epidemic should not be interred in the burial-ground of the parish, but in a separate and central cemetery, agreed with the Rector for the exchange of an equal portion of the parish land for about two acres of the glebe adjoining the parish church; that the glebe land was thereupon entered into for that purpose, and several hundred bodies were interred therein; that on steps being taken with a view of carrying into effect the said exchange, doubts had arisen as to the power of the Rector and Vestry to make such an exchange, and the Rector had been since receiving a yearly rent for the said land; that the petitioners, deeming it necessary there should be some satisfactory and permanent arrangement, have agreed with the Rector that the portion of the glebe taken over by the Vestry as a burial-ground should be surveyed and valued by a jury of freeholders, to be summoned for that purpose, and the interest of six per cent. per annum upon such valuation made a permanent charge upon the revenue of the parish, to be paid annually to the Rector and his successors, and the petitioners prayed that the House of Assembly would take the circumstances into their consideration, and pass an Act authorizing them to carry into effect the arrangement entered into with the said Rector. And whereas it is deemed expedient to carry into effect the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

1. This Act may be cited as the Compensation (Rector Short title. of Saint George) Act 1867.

2. The Vestry of the parish of Saint George are hereby required to lay a rate annually to the amount of the interest at six per cent. on the value of the said land as appraised by a jury summoned by the Police Magistrate of the said parish, and to pay the same to the Rector of the said parish and his successors. Annual rate to be laid.

1868—1.

An Act to consolidate and amend the law of this Island relating to Larceny and other similar offences.

[17 February 1868.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Larceny Act.

- Short title. **1.** This Act may be cited as the Larceny Act 1868.
- Definition clause **2.** In the interpretation of this Act ;
- Document of
title to goods. The term “document of title to goods” shall include any bill of lading, india warrant, dock warrant, warehouse keeper’s certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to.
- Document of
title to lands. The term “document of title to lands” shall include any deed, map, paper or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title or any part of the title to any real estate, or to any interest in or out of any real estate.
- Trustee. The term “trustee” shall mean a trustee on some express trust created by some deed, will, or instrument in writing, and shall include the heir or personal representative of any such trustee, and any other person upon or to whom the duty of such trust shall have devolved or come, and also an executor and administrator, and an official manager, assignee, liquidator or other like officer, acting under any present or future Act relating to joint stock companies, bankruptcy, or insolvency.
- Valuable security. The term “valuable security” shall include any order, exchequer acquittance, or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of this Island or of the United Kingdom, or of Great Britain, or of Ireland or of any foreign state, or in any fund of any body corporate, company or society, whether within this Island or within the United Kingdom or in any foreign state or country, or to any deposit in any bank, and shall also include any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of this Island or of the United Kingdom, or of Great Britain, or of Ireland, or of any foreign state, and any document of title to lands or goods as hereinbefore defined.
- Property. The term “property” shall include every description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover

Larceny Act.

or receive any money or goods ; and shall also include not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

For the purposes of this Act, the night shall be deemed to commence at nine of the clock in the evening of each day, and to conclude at five of the clock in the morning of the next succeeding day.

3. Every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature and shall be subject to the same incidents in all respects as grand larceny was before the sixth day of September, one thousand eight hundred and thirty-four.

All larcenies to be of the same nature.

4. Whosoever being a bailee of any chattel, money, or valuable security, shall fraudently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk, or otherwise determine the bailment, shall be guilty of larceny.

Bailees fraudulently converting property guilty of larceny.

5. Whosoever shall be convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Punishment for simple larceny.

6. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them

Three larcenies within six months may be charged in one indictment.

7. If upon the trial of any indictment for larceny it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six months elapsed between the first and last of such takings ; and in either of such last mentioned cases the prosecutor shall be required to elect to proceed for such number of takings, not exceed-

Where a single taking is charged and several takings at different times are proved.

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ing three, as appear to have taken place within the period of six months from the first to the last of such takings.

Larceny after a conviction for felony.

8. Whosoever shall commit the offence of simple larceny after a previous conviction for felony, where such conviction shall have taken place upon an indictment, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and, if a male under the age of sixteen years, with or without whipping.

Larceny after conviction of an indictable misdemeanour under the Act.

9. Whosoever shall commit the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been previously convicted of any indictable misdemeanour punishable under this Act, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years with or without hard labour, and with or without solitary confinement; and, if a male under the age of sixteen years, with or without whipping.

As to larceny of cattle and other animals.

Stealing horses, cows, sheep, &c.

10. Whosoever shall steal any horse, mare, gelding, colt, or filly, or any mule, ass or foal; or any bull, cow, ox, heifer, or calf; or any ram, ewe, sheep, or lamb; or any goat, or kid; or any hog or pig; shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years with or without hard labour, and with or without solitary confinement.

Killing animals with intent to steal the carcass.

11. Whosoever shall wilfully kill any animal with intent to steal the carcass, skin, or any part of the animal so killed, shall be guilty of felony, and being convicted thereof, shall be liable to the same punishment as if he had been convicted of feloniously stealing the same, provided the offence of stealing the animal so killed would have amounted to felony,

Stealing dogs.

12. Whosoever shall steal any dog shall, on conviction thereof before any Police Magistrate, either be committed to prison there to be imprisoned, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or shall forfeit and pay, over and above the value of the

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said dog, such sum of money, not exceeding twenty pounds, as to the said Police Magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act of this Island, shall afterwards steal any dog, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

Subsequent offences.

13. Whosoever shall unlawfully have in his possession or on his premises any stolen dog, or the skin of any stolen dog, knowing such dog to have been stolen, or such skin to be the skin of a stolen dog, shall, on conviction thereof before a Police Magistrate, be liable to pay such sum of money, not exceeding twenty pounds, as to such Police Magistrate shall seem meet; and whosoever, having been convicted of any such offence either against this or any former Act of this Island, shall afterwards be guilty of any such offence as in this section before mentioned, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

Possession of stolen dogs.

Subsequent offence.

14. Whosoever shall steal any bird, beast, or other animal ordinarily kept in a state of confinement, or for any domestic purpose, not being the subject of larceny at common law, or shall wilfully kill any such bird, beast or animal, with intent to steal the same or any part thereof, shall, on conviction thereof before a Police Magistrate, at the discretion of the said Police Magistrate, either be committed to prison there to be imprisoned only, or be imprisoned and kept to hard labour, for any term not exceeding six months; or else shall forfeit and pay, over and above the value of the bird, beast, or other animal, such sum of money, not exceeding twenty pounds, as to the Police Magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act of this Island, shall afterwards commit any offence in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to prison there to be kept to hard labour for such term not exceeding twelve months, as the convicting Magistrate shall think fit.

Stealing beasts or birds ordinarily kept in confinement, and not the subject of larceny.

Subsequent offence.

15. If any such bird, or any of the plumage thereof, or any dog, or any such beast, or the skin thereof, or any such animal, or any part thereof, shall be found in the possession or on the premises of any person, any Police Magistrate may restore the same respectively to the owner there-

Persons found in possession of stolen beasts, &c., liable to penalties.

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of; and any person in whose possession or on whose premises such bird or the plumage thereof or such beast or the skin thereof, or such animal or any part thereof, shall be so found (such person knowing that the bird, beast, or animal has been stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen beast, or that the part is the part of a stolen animal) shall on conviction before a Police Magistrate be liable for the first offence to such forfeiture, and for every subsequent offence to such punishment, as any person convicted of stealing any beast or bird is made liable to by the last preceding section.

Killing pigeons.

16. Whosoever shall unlawfully and wilfully kill, wound, or take any house-dove, or pigeon, under such circumstances as shall not amount to larceny at common law, shall, on conviction before a Police Magistrate, forfeit and pay, over and above the value of the bird, any sum not exceeding two pounds.

Taking fish placed in any water or pond by owner of same.

17. Whosoever shall unlawfully and wilfully take or destroy any fish in any pond or water which shall have been placed in such pond or water by or for the use of the owner or other person having the charge or use of such pond or water, shall, on conviction thereof before a Police Magistrate, at the discretion of such Police Magistrate, either forfeit and pay over and above the value of the fish taken or destroyed (if any) such sum of money not exceeding five pounds as to the Magistrate shall seem meet, or be committed to prison there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding two calendar months.

As to larceny of written instruments.

Stealing or destroying valuable securities.

18. Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, or obliterate the whole or any part of any valuable security, other than a document of title to lands, shall be guilty of felony of the same nature and in the same degree, and punishable in the same manner, as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned, or referred to in or by the security.

Deeds, &c., relating to real property.

19. Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, obliterate, or conceal the whole or any part of any document of title to lands or of any plots

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or plans of land sold by the Court of Chancery, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence relating to any document of title to lands it shall be sufficient to allege such document to be or to contain evidence of the title or of part of the title of the person, or of some one of the persons having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof.

Form of indictment.

20. Whosoever shall, either during the life of the testator or after his death, steal, or for any fraudulent purpose destroy, cancel, obliterate, or conceal the whole or any part of any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate or to both, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for such offence be necessary to allege that such will, codicil, or other instrument, is the property of any person; provided that nothing in this or the last preceding section mentioned, nor any proceeding, conviction, or judgment, to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit, or proceeding which shall have been bona fide instituted by any party aggrieved; or if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

Wills or codicils.

Other remedies not to be affected.

21. Whosoever shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall

Stealing records or other legal documents.

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unlawfully and maliciously cancel, obliterate, injure, or destroy the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or of any original document whatsoever of or belonging to any court of law, or relating to any matter, civil or criminal, begun, depending or terminated in any such court ; or of any bill, petition, answer, interrogatory, deposition, affidavit, order, or decree, or of any original document whatsoever, of or belonging to any court of equity or relating to any cause or matter begun, depending, or terminated in any such court, or of any original document in anywise relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any court of justice or in any government or public office, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement ; and it shall not in any indictment for such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person.

Form of indictment.

As to larceny of things attached to or growing on land.

Stealing fixtures.

22. Whosoever shall steal, or shall rip, cut, sever, or break with intent to steal, any glass or woodwork belonging to any building whatsoever, or any lead, copper, iron, brass, or other metal, or any utensil, or fixture, whether made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or anything made of metal fixed in any land being private property, or for a fence to any dwelling house, garden, or area, or in any square, or street, or in any place dedicated to public use or ornament, or in any burial-ground, shall be guilty of felony and being convicted thereof shall be liable to be punished as in the case of simple larceny ; and in the case of any such thing fixed in any such square, street, or place as aforesaid, it shall not be necessary to allege the same to be the property of any person.

Stealing trees &c., not exceeding in value 21/.

23. Whosoever shall steal, or shall cut, break, root up or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, shrub, underwood, plant, root, fruit, corn, pulse, grass, or vegetable production, wheresoever the same may be respectively growing, the value of the article or articles stolen or the injury done

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not exceeding twenty one shillings, shall on conviction thereof before a Police Magistrate at the discretion of the Magistrate either be committed to prison for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the article or articles stolen or the amount of the injury done, such sum of money not exceeding ten pounds as to the Police Magistrate shall seem meet. For a second or subsequent offence the Police Magistrate may order the offender to be imprisoned for any term not exceeding twelve months.

24. Whosoever shall steal, or shall cut, break, root up or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, shrub, underwood, plant, root, fruit, corn, pulse, grass, or vegetable production, wheresoever the same may be respectively growing, the value of the article or articles stolen or the injury done exceeding twenty one shillings in value, shall be guilty of felony, and shall on conviction thereof before the Court of Grand Sessions be punished as in the case of simple larceny.

Stealing trees &c., where value exceeds 21/-

25. Whosoever shall steal, or shall cut, break or throw down, with intent to steal, any part of any live or dead fence, or any wooden post, pale, wire, or rail, set up or used as a fence, or any stile or gate or any part thereof respectively, shall, on conviction thereof before a Police Magistrate, forfeit and pay, over and above the value of the article or articles so stolen or the amount of injury done, such sum of money, not exceeding five pounds, as to the Police Magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act of this Island, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to prison there to be kept to hard labour for such term, not exceeding twelve months, as the convicting Magistrate shall think fit.

Stealing &c., any live or dead fence.
Subsequent offence.

26. If the whole or any part of any tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile or gate, or any part thereof being of the value of one shilling at the least, shall be found in the possession of any person, or on the premises of any person, with his knowledge, and such person being taken or summoned before a Police Magistrate shall not satisfy the Police Magistrate that he came lawfully by the same, he shall on conviction by the Police Magistrate forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding two pounds.

Suspected persons in possession of wood, &c., not satisfactorily accounting for it.

*Larceny Act.**As to larceny from the person, and other like offences.*

Robbery or stealing from the person.

27. Whosoever shall rob any person, or shall steal any chattel, money, or valuable security from the person of another, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

On trial for robbery, jury may convict of an assault with intent to rob.

28. If upon the trial of any person upon any indictment for robbery it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob : and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob ; and no person so tried as is herein lastly mentioned, shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

Assault with intent to rob.

29. Whosoever shall assault any person with intent to rob, shall be guilty of felony, and being convicted thereof shall (save and except in the cases where a greater punishment is provided) be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Robbery or assault by a person armed or by two or more, or robbery and wounding.

30. Whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall, together with one or more other person or persons, rob, or assault with intent to rob, any person, or shall rob any person, and at the time of or immediately before or immediately after such robbery, shall wound, beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Whipping may be ordered in

31. Where any person is convicted of a crime under the last preceding section, the court before whom he is

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convicted may, in addition to the punishment awarded by the said section or any part thereof, direct that the offender if a male, be once, twice, or thrice privately whipped, subject to the following provisions:—

- (1) That in the case of an offender whose age does not exceed sixteen years, the number of strokes at each such whipping do not exceed twelve, and the instrument used shall be a birch or tamarind rod.
- (2) That in the case of any other male offender, the number of strokes do not exceed twenty-four at each such whipping.
- (3) That in each case the court in its sentence shall specify the number of strokes to be inflicted, and the instrument to be used:

Provided that in no case shall such whipping take place after the expiration of six months from the passing of the sentence.

32. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

33. Whosoever shall with menaces, or by force, demand any property, chattel, money, valuable security, or other valuable thing, of any person, with intent to steal the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

34. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing, accusing, or threatening to accuse, any other person of any crime punishable by law with death, or penal servitude for not less than three years, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime as hereinafter defined, with a view or intent in

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“Infamous
crime” defined.

any of such cases to extort or gain by means of such letter or writing, any property, chattel, money, valuable security, or other valuable thing from any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said abominable crime, and every solicitation, persuasion, promise, or threat, offered or made to any person whereby to move or induce such person to commit, or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

Accusing or
threatening to
accuse, with in-
tent to extort.

35. Whosoever shall accuse, or threaten to accuse, either the person to whom such accusation or threat shall be made, or any other person, of any of the infamous or other crimes lastly hereinbefore mentioned, with the view or intent in any of the cases last aforesaid, to extort or gain from such person so accused or threatened to be accused, or from any other person, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Inducing a per-
son by violence
or threats to ex-
ecute deeds, &c.,
with intent to
defraud.

36. Whosoever with intent to defraud or injure any other person shall, by any unlawful violence to or restraint of, or threat of violence to or restraint of, the person of another, or by accusing or threatening to accuse any person of any treason, felony, or infamous crime as hereinbefore defined, compel or induce any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or of any company, firm, or co-partnership, or the seal of any body corporate, company, or society, upon or to any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude

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for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

37. It shall be immaterial whether the menaces or threats hereinbefore mentioned be of violence, injury, or accusation, to be caused or made by the offender or by any other person. Immaterial from whom the menaces proceed.

As to sacrilege, burglary, and house-breaking.

38. Whosoever shall break and enter any church, chapel, meeting-house, or other place of divine worship, and commit any felony therein, or being in any church, chapel, or meeting house, or other place of divine worship, shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement. Breaking and entering a church or chapel and committing any felony.

39. Whosoever shall enter the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house shall commit any felony therein, and shall in either case break out of the said dwelling-house in the night, shall be deemed guilty of burglary. Burglary by breaking out.

40. Whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement. Burglary.

41. No building, although within the same curtilage with any dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this Act, unless there shall be a communication between such building and dwelling-house, either immediate, or by means of a covered and enclosed passage leading from the one to the other. What building within the curtilage shall be deemed part of the dwelling-house.

42. Whosoever shall enter any dwelling-house in the night, with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than Entering a dwelling-house in the night with intent to commit any felony.

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three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Breaking into any building within the curtilage which is no part of the dwelling-house and committing any felony.

43. Whosoever shall break and enter any building and commit any felony therein, such building being within the curtilage of a dwelling-house and occupied therewith but not being part thereof according to the provision hereinbefore mentioned, or being in any such building shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Breaking into any house, shop, warehouse, &c., and committing any felony.

44. Whosoever shall break and enter any dwelling-house, school-house, shop, warehouse, counting-house, outhouse, boiling-house, still-house, curing-house, granary or building, and commit any felony, therein, or being in any dwelling-house, school-house, shop, warehouse, counting-house, outhouse, boiling-house, still-house, curing-house, granary or other building, shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Housebreaking, &c., with intent to commit any felony.

45. Whosoever shall break and enter any dwelling-house, church, chapel, meeting-house, or other place of divine worship, or any building within the curtilage, school-house, shop, warehouse, counting-house, outhouse, boiling-house, still-house, curing-house, granary or other building, with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Being armed with intent to break and enter any house in the night.

46. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without

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lawful excuse (the proof of which excuse shall lie on such person), any pick-lock, key, crow, jack, bit, or other implement of house-breaking, or shall be found by night having his face blackened, or otherwise disguised with intent to commit a felony, or shall be found by night in any dwelling-house or other building whatsoever, with intent to commit any felony therein, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

47. Whosoever shall be convicted of any such misdemeanour as in the last preceding section mentioned, committed after a previous conviction either for felony or such misdemeanour, shall on such subsequent conviction be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

The like, after a previous conviction for felony, &c.

As to larceny in a house.

48. Whosoever shall steal in any dwelling-house any chattel, money, or valuable security, to the value in the whole of five pounds or more, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing in a dwelling-house to the value of *5l.*

49. Whosoever shall steal any chattel, money, or valuable security in any dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing in a dwelling house with menaces

As to larceny in ships, wharves, &c.

50. Whosoever shall steal any goods or merchandize in any vessel, barge, or boat of any description whatsoever, in any haven or in any port of entry or discharge, or in the place commonly called or known as the carenage, or in the

Stealing from ships, docks, wharves, &c.

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river joining the same, or in any creek or basin belonging to or communicating with any such haven, port, careenage, or river, or shall steal any goods or merchandize from any dock, wharf, or quay adjacent to any such haven, port, careenage, or river, creek, or basin, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing from
ship in distress
or wrecked.

51. Whosoever shall plunder or steal any part of any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Persons in pos-
session of ship-
wrecked goods
not giving a
satisfactory ac-
count.

52. If any goods, merchandize, or articles of any kind, belonging to any ship or vessel in distress or wrecked, stranded or cast on shore, shall be found in the possession of any person, or on the premises of any person with his knowledge, and such person being taken or summoned before a Police Magistrate, shall not satisfy the Magistrate that he came lawfully by the same, then the same shall by order of the Magistrate be forthwith delivered over to or for the use of the rightful owner thereof; and the offender shall on conviction of such offence before the Magistrate, at the discretion of such Magistrate, either be committed to prison there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money not exceeding twenty pounds as the Magistrate shall seem meet.

If any persons
offers shipwreck-
ed goods for
sale, the goods
may be seized
&c.

53. If any person shall offer or expose for sale any goods, merchandize, or articles whatsoever, which shall have been unlawfully taken, or shall be reasonably suspected so to have been taken, from any ship or vessel in distress or wrecked, stranded or cast on shore, in every such case any person to whom the same shall be offered for sale, or any officer of the customs or excise, or peace officer, may lawfully seize the same, and shall with all convenient

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speed carry the same, or give notice of such seizure to some Police Magistrate and if the person who shall have offered or exposed the same for sale, being summoned by such Magistrate shall not appear and satisfy such Magistrate that he came lawfully by such goods, merchandize, or articles, then the same shall by order of such Magistrate be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the Magistrate) to the person who seized the same, and the offender shall, on conviction of such offence by such Magistrate, at the discretion of such Magistrate, either be committed to prison there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money not exceeding twenty pounds as to such Magistrate shall seem meet.

As to larceny or embezzlement by clerks, servants, or persons in the public service.

54. Whosoever, being a clerk or servant, or being employed for the purpose, or in the capacity of a clerk or servant, shall steal any chattel, money, or valuable security belonging to, or in the possession or power of, his master or employer, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Larceny by clerks or servants.

55. Whosoever, being a clerk or servant, or being employed for the purpose, or in the capacity of a clerk or servant, shall fraudulently embezzle any chattel, money, or valuable security, which shall be delivered to or received or taken into possession by him for or in the name or on the account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant, or other person so employed, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be

Embezzlement by clerks or servants.

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imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Larceny by- persons in the Queen's service or by the police.

56. Whosoever being employed in the public service of Her Majesty, or being a constable or other person employed in the police of this Island, shall steal any chattel, money, or valuable security, belonging to or in the possession or power of Her Majesty, or belonging to the public of this Island, or entrusted to or received or taken into possession by him by virtue of his employment, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Embezzlement by persons in the Queen's service, or by the police.

57. Whosoever being employed in the public service of Her Majesty, or being a constable or other person employed in the police of this Island, and entrusted by virtue of such employment with the receipt, custody, management, or control of any chattel, money, or valuable security, shall embezzle any chattel, money, or valuable security which shall be intrusted to or received or taken into possession by him by virtue of his employment, or any part thereof, or in any manner fraudulently apply or dispose of the same or any part thereof to his own use or benefit, or for any purpose whatsoever except for the public service, shall be deemed to have feloniously stolen the same, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and in every case of larceny, embezzlement, or fraudulent application or disposition, of any chattel, money, or valuable security in this and the last preceding section mentioned, it shall be lawful in the warrant of commitment by the Police Magistrate before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security in Her Majesty or in the inhabitants of this Island, as the case may be.

Form of warrant of commitment and indictment.

Three acts of embezzlement may be charged in the same indictment.

58. For preventing difficulties in the prosecution of offenders in any case of embezzlement, fraudulent application, or disposition, hereinbefore mentioned, it shall be lawful to charge in the indictment and proceed against the offender

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for any number of distinct acts of embezzlement, or of fraudulent application or disposition, not exceeding three, which may have been committed by him against Her Majesty, or against the same master or employer, within the space of six months from the first to the last of such acts; and in every such indictment where the offence shall relate to any money, or any valuable security, it shall be sufficient to allege the embezzlement, or fraudulent application or disposition, to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled or fraudulently applied or disposed of any amount, although the particular species of coin, or valuable security, of which such amount was composed shall not be proved; or if he should be proved to have embezzled, or fraudulently applied or disposed of, any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to some other person, and such part shall have been returned accordingly.

59. If upon the trial of any person indicted for embezzlement, or fraudulent application or disposition as aforesaid, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, or fraudulent application or disposition, but is guilty of simple larceny, or of larceny as clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, or as a person employed in the public service, or in the police, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny, it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, or fraudulent application or disposition as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, or fraudulent application or disposition as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, fraudulent application, or disposition;

Person indicted for embezzlement as a clerk &c., not to be acquitted if the offence turn out to be larceny, but may be convicted thereof, and *vice versa*.

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and no person so tried for embezzlement, fraudulent application or disposition, or larceny as aforesaid, shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition, or embezzlement, upon the same facts.

As to falsification of accounts by clerks, &c.

Punishment for falsification of accounts &c.

60. (1.) If any clerk, officer, or servant, or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or shall wilfully and with intent to defraud make or concur in making any false entry in, or omit or alter, or concur in omitting or altering, any material particular from or in any such book, or any document or account, then and in every such case the person so offending shall be guilty of a misdemeanour, and be liable to be kept in penal servitude for a term not exceeding seven years, or to be imprisoned with or without hard labour for any term not exceeding two years.

Intention to defraud sufficient indictment.

(2.) It shall be sufficient in any indictment under this section to allege a general intent to defraud, without naming any particular person intended to be defrauded.

As to larceny by tenants or lodgers.

Tenant or lodger stealing chattel or fixture let with house or lodgings.

61. Whosoever shall steal any chattel or fixture let to be used by him or her in or with any house or lodging, whether the contract shall have been entered into by him or her or by her husband, or by any person on behalf of him or her or her husband, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and in case the value of such chattel or fixture shall exceed the sum of five pounds, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and in every case of stealing any chattel in this section mentioned, it shall be lawful to prefer an indictment in the common form as for

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larceny, and in every case of stealing any fixture in this section mentioned, to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

As to frauds by agents, brokers, or factors.

62. (1) Whosoever after the twenty-fourth day of July one thousand nine hundred and eight; Fraudulent misappropriation of property.

(a) being entrusted, either solely or jointly with any other person, with any property, in order that he may retain in safe custody or apply, pay, or deliver for any purpose or to any person the property or any part thereof or any proceeds thereof; or

(b) having either solely or jointly with any other person received any property for or on account of any other person,

fraudulently converts to his own use or benefit or the use or benefit of any other person, the property or any part thereof or any proceeds thereof, shall be guilty of a misdemeanour, and be liable on conviction to penal servitude for a term not exceeding seven years and not less than three years, or to imprisonment with or without hard labour for a term not exceeding two years.

(2) Nothing in this section shall apply to or affect any trustee on any express trust created by a deed or will, or any mortgagee of any property real or personal in respect of any act done by the trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage.

63. Whosoever being intrusted, either solely or jointly with any other person, with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer or otherwise convert the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned. Persons under powers of attorney fraudulently selling property.

64. Whosoever, being a factor or agent intrusted, either solely or jointly with any other person, for the purpose of sale or otherwise, with the possession of any goods, or of any document of title to goods, shall, contrary to or without Factors obtaining advances on the property of their principals.

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the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, make any consignment, deposit, transfer, or delivery of any goods or document of title so intrusted to him as in this section before mentioned, as and by way of a pledge, lien, or security for any money or valuable security borrowed or received by such factor or agent at or before the time of making such consignment, deposit, transfer, or delivery, or intended to be thereafter borrowed or received, or shall, contrary to or without such authority, for his own use or benefit, or for the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, accept any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer, or deliver any such goods or document of title, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned; and every clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such advance as aforesaid, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the same punishments: provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such goods or documents of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer, or delivery was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal, and accepted by such factor or agent.

Clerks wilfully assisting.

Cases excepted where the pledge does not exceed the amount of their lien.

Definitions of terms:

“Intrusted.”

“Pledge.”

“Possessed.”

65. Any factor or agent intrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods, or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid, shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such factor or agent shall be deemed to be possessed of such goods or document, whether the same shall be in his

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actual custody, or shall be held by any other person subject to his control, or for him or on his behalf; and where any loan or advance shall be bona fide made to any factor or agent intrusted with and in possession of any such goods or document of title on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods or document of title, and such goods or document of title shall be actually received by the person making such loan or advance, without notice that such factor or agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title within the meaning of the last preceding section, though such goods or document of title shall not be actually received by the person making such loan or advance till the period subsequent thereto; and any contract or agreement, whether made direct with such factor or agent or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent and any payment made, whether by money or bill of exchange or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section; and a factor or agent in possession as aforesaid of such goods or document shall be taken, for the purposes of the last preceding section, to have been intrusted therewith by the owner thereof, unless the contrary be shown in evidence.

“Advance.”
“Contract or agreement.”
“Advance.”
“Possession” to be evidence of intrusting.

66. Whosoever, being a trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall with intent to defraud convert or appropriate the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid, or otherwise dispose of or destroy such property or any part thereof, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned; provided that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of Her Majesty's Attorney General or, in case of his absence from this Island, or, in case that office be vacant, of Her Majesty's Solicitor General; provided also that where any civil proceeding shall have been taken against any person to whom the provisions of this section may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this section without the sanction of

Trustees fraudulently disposing of property guilty of a misdemeanour
No prosecution shall be commenced without the sanction of the Attorney General, or in his absence the Solicitor General.

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the court or judge before whom such civil proceeding shall have been had or shall be pending.

67. Whosoever, being a director, member, or public officer of any body corporate or public company, shall fraudulently take or apply for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

or keeping
fraudulent ac-
counts.

68. Whosoever, being a director, public officer, or manager of any body corporate or public company, shall as such receive or possess himself of any of the property of such body corporate or public company, otherwise than in payment of a just debt or demand, and shall, with intent to defraud, omit to make or to cause or direct to be made, a full and true entry thereof in the books and accounts of such body corporate, or public company, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

or wilfully des-
troying books,
&c.

69. Whosoever, being a director, manager, or public officer, or member of any body corporate or public company, shall, with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, or valuable security belonging to the body corporate or public company, or make or concur in the making of any false entry, or omit or concur in omitting any material particular in any book of account or other document, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

or publishing
fraudulent
statements.

70. Whosoever, being a director, manager, or public officer of any body corporate or public company, shall make, circulate, or publish, or concur in making, circulating or publishing any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the

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court, to any of the punishments which the court may award as hereinbefore last mentioned.

71. Nothing in any of the last nine preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanours in any of the said sections mentioned by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit, or proceeding which shall have been bona fide instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

No one to be exempt from answering question in any civil court, but no person making a compulsory disclosure to be liable to prosecution.

72. Nothing in any of the last ten preceding sections of this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of the said sections, shall prevent, lessen, or impeach any remedy at law or in equity, which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him, and nothing in the said sections contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

No remedy at law or in equity shall be affected.

Larceny by co-partners.

73. If any person being a member of any co-partnership, or being one of two or more beneficial owners of any money, goods, or effects, bills, notes, securities, or other property, shall steal or embezzle any such money, goods, or effects, bills, notes, securities, or other property of or belonging to any such co-partnership, or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted, and punished for the same, as if such person had not been or was not a member of such co-partnership or one of such beneficial owners.

Member of co-partnership, or one of several owners guilty of converting to his own use, &c. property of co-partnership, &c., liable to be tried as if not a member, &c.

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As to obtaining money &c., by false pretences and credit by fraud &c.

False pretences.

74. Whosoever shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to defraud, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; provided that if upon the trial of any person indicted for such misdemeanour, it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanour; and no person tried for such misdemeanour shall be liable to be afterwards prosecuted for larceny upon the same facts; provided also that it shall be sufficient in any indictment for obtaining or attempting to obtain any such property by false pretences to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money, or valuable security; and on the trial of any such indictment, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

No acquittal because the offence amounts to larceny.

Form of indictment and evidence.

Where money or thing is caused to be delivered to any person other than the person making the false pretence.

75. Whosoever shall by any false pretence cause or procure any money to be paid, or any chattel or valuable security to be delivered, to any other person, for the use or benefit or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be deemed to have obtained such money, chattel, or valuable security within the meaning of the last preceding section.

Inducing persons by fraud to execute valuable securities.

76. Whosoever, with intent to defraud or injure any other person, shall by any false pretence fraudulently cause or induce any other person to execute, make, accept, indorse or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or of any company, firm, or co-partnership, or the seal of any body corporate, company, or society, upon any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceed-

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ing two years, with or without hard labour, and with or without solitary confinement.

77. Any person shall in each of the cases following be deemed guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year with or without hard labour; that is to say:—

(1) If in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;

(2) If he has with intent to defraud his creditors or any of them made or caused to be made any gift delivery or transfer of or any charge on his property;

(3) If he has with intent to defraud his creditors concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

As to receiving stolen goods.

78. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof shall amount to a felony, either at common law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled or disposed of, shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping: provided that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

79. (1) If any person without lawful excuse receives, or has in his possession any property stolen outside this Island knowing such property to have been stolen, he shall be liable to penal servitude for any term not less than three years and not more than seven years, or to imprisonment for a term not exceeding two years, with or without hard labour.

Fraudulently obtaining credit &c. &c.

Receiving where the principal is guilty of felony.

Receiving or having in possession property stolen abroad

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(2) For the purposes of this section property shall be deemed to have been stolen where it has been taken, extorted, obtained, embezzled, converted, or disposed of, under such circumstances that if the act had been committed in this Island the person committing it would have been guilty of an indictable offence according to the law for the time being of this Island.

(3) An offence under this section shall be a felony or misdemeanour according as the act committed outside the Island would have been a felony or misdemeanour if committed in the Island.

Indictment for stealing and receiving.

80. In any indictment containing a charge of feloniously stealing any property, it shall be lawful to add a count or several counts for feloniously receiving the same or any part or parts thereof knowing the same to have been stolen; and in any indictment for feloniously receiving any property knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same; and where any such indictment shall have been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the jury who shall try the same to find a verdict of guilty, either of stealing the property, or of receiving the same, or any part or parts thereof, knowing the same to have been stolen; and if such indictment shall have been preferred and found against two or more persons, it shall be lawful for the jury who shall try the same, to find all or any of the said persons guilty, either of stealing the property or of receiving the same, or any part or parts thereof, knowing the same to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving the same, or any part or parts thereof, knowing the same to have been stolen.

Separate receivers may be included in the same indictment in the absence of the principal.

81. Whenever any property whatsoever shall have been stolen, taken, extorted, obtained, embezzled, or otherwise disposed of in such a manner as to amount to a felony, either at common law or by virtue of this Act, any number of receivers at different times of such property, or of any part or parts thereof, may be charged with substantive felonies in the same indictment and may be tried together, notwithstanding that the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

On an indictment for jointly receiving, persons may be con-

82. If upon the trial of any two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any

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part or parts of such property, it shall be lawful for the jury to convict, upon such indictment, such of the said persons as shall be proved to have received any part or parts of such property. victed of separately receiving.

83. Whosoever shall receive any chattel, money, or valuable security, or other property whatsoever, the stealing, taking, obtaining, converting, or disposing whereof is made a misdemeanour by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted, or disposed of, shall be guilty of misdemeanour, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanour shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. Receiving where the principal has been guilty of a misdemeanour.

84. Where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property, knowing the same to be unlawfully come by, shall on conviction thereof before a Police Magistrate be liable for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment, to which a person guilty of a first, second, or subsequent offence, of stealing or taking such property, is by this Act made liable. Receivers of property where the original offence is punishable on summary conviction.

85. Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, evidence may be given at any stage of the proceedings that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceedings taken against him. Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his possession then, if such person has within five years immediately preceding been convicted of receiving stolen property Evidence in cases of receiving stolen property

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ted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen : provided that not less than seven days' notice in writing shall have been given to the person accused that proof is intended to be given of such previous conviction, and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction of the person so accused.

Punishment of principals in the second degree, and accessories.

86. In case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable ; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement ; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanour punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Abettors in misdemeanour.

Abettors in offences punishable on summary conviction.

87. Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall on conviction before a Police Magistrate be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

As to restitution and recovery of stolen property.

The owner of stolen property prosecuting thief or receiver, on conviction, shall have restitution of his property.

88. If any person guilty of any such felony or misdemeanour as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing of, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, shall be indicted for such offence by or on the behalf of the owner of the property or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative ; and in every case in this section afore-

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said, the court, before whom any person shall be tried for any such felony or misdemeanour, shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner: provided that if it shall appear before any award or order made that any valuable security shall have been bona fide paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument shall have been bona fide taken or received, by transfer or delivery, by some person or body corporate, for a just and valuable consideration without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanour been stolen, taken, obtained, extorted, embezzled, converted or disposed of, in such case the court shall not award or order the restitution of such security: provided also, that nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent entrusted with the possession of goods or documents of title to goods, for any misdemeanour against this Act.

Provision as to valuable and negotiable securities.

Not to apply to prosecution of trustees, bankers, &c.

89. Whosoever shall corruptly take any money or reward directly or indirectly under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall by any felony or misdemeanour have been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, as in this Act before mentioned, shall, (unless he shall have used all due diligence to cause the offender to be brought to trial for the same) be guilty of felony, and being convicted thereof, shall be liable at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

90. Where any prisoner shall be convicted, either summarily or otherwise, of larceny or other offence, which includes the stealing of any property, and it shall appear to the court by the evidence that the prisoner has sold the stolen property to any person and such person has had no knowledge that the same was stolen, and that any moneys have been taken from the prisoner on his apprehension, it shall be lawful for the court, on the application of such purchaser, and on the restitution of the stolen property to the prosecutor, to order that out of such moneys a sum not

Money found on prisoner to be given to purchaser of property not known to be stolen, on restitution of property

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exceeding the amount of the proceeds of the said sale be delivered to the said purchaser.

Advertising a reward for the return of stolen property, &c.

91. Whosoever shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no question will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost without seizing or making any inquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost, the money so paid or advanced or any other sum of money or reward for the return of such property, or shall print or publish any such advertisement, shall forfeit the sum of fifty pounds for every such offence to any person who will sue for the same by action of debt to be recovered with full costs of suit.

As to apprehension of offenders and other proceedings.

A person in the act of committing any offence may be apprehended without a warrant.

A Police Magistrate upon good grounds of suspicion proved on oath may grant a search warrant.

Any person to whom stolen property is offered may seize the party offering it.

Forfeiture of vehicles etc., used in committing theft.

92. Any person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue of this Act, may be immediately apprehended without a warrant by any person and forthwith taken, together with such property, if any, before some Police Magistrate, to be dealt with according to law; and if any credible witness shall prove upon oath, before a Police Magistrate, a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any offence, punishable either upon indictment or upon summary conviction by virtue of this Act, shall have been committed, the Magistrate may grant a warrant to search for such property as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and, if in his power, is required to apprehend and forthwith to take before a Police Magistrate the party offering the same together with such property to be dealt with according to law.

93. (1) Where any person is convicted of stealing, or attempting to steal any property, and it is proved that at the time of committing such offence he had, at or near the spot any animal or vehicle which was used or intended to

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be used for the purpose of removing the property so stolen or attempted to be stolen, the said animal or vehicle and any harness used with the same shall be forfeited.

(2) When the accused person is found committing the offence, or is arrested immediately after the commission thereof, the said animal or vehicle and harness may be seized at the time by any person; where he is not so found, or not so arrested, then the same may after conviction be seized by any constable. After seizure the said animal or vehicle and harness shall be kept at the police station at the public expense, and shall be sold by the district auctioneer as soon as possible after forfeiture, and the proceeds shall be applied, in the first place in reimbursing the cost of keeping the said animal or vehicle at the police station, and the balance shall be paid one half to the person against whom the offence was committed, and the other half to the informer, and if there be no informer into the Public Treasury.

(3) If the animal or vehicle or harness so seized be claimed as his property by any person other than the accused, or the wife or reputed wife of the accused, and such claimant alleges such animal or vehicle or harness to have been in the possession or custody of the accused for such use or intended use as aforesaid without his knowledge or consent, then the Police Magistrate shall forthwith make inquiry into the matter, and if satisfied that the said claim and allegation are both well founded he shall make an order for the immediate delivery of such animal or vehicle or harness to the owner thereof.

94. Any constable or peace officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place, during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any felony against this Act, and shall take such person, as soon as reasonably may be, before a Police Magistrate to be dealt with according to law.

A person loitering at night and suspected of any felony against this Act may be apprehended.

95. Every sum of money which shall be forfeited on any summary conviction for the value of any property stolen or taken, or for the amount of any injury done, (such value or amount to be assessed in each case by the convicting Police Magistrate), shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty, and every sum which shall be imposed as a penalty by any Police Magistrate whether in addition to such value or amount or other-

Application of forfeitures and penalties on summary convictions.

Larceny Act.

Proviso where several persons join in commission of same offence.

wise shall be paid and applied in the same manner as other penalties recoverable before Police Magistrates are to be paid and applied in cases where the statute imposing the same contains no directions for the payment thereof to any person : provided that where several persons shall join in the commission of the same offence, and shall upon conviction thereof each be adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than such value or amount, and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a Police Magistrate is hereinbefore directed to be applied.

If a person summarily convicted shall not pay &c., the Police Magistrate may commit him.

Scale of imprisonment.

96. In every case of a summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen or taken, or which shall be imposed as a penalty by the Police Magistrate shall not be paid, either immediately after the conviction or within such period as the Police Magistrate shall at the time of the conviction appoint, the convicting Magistrate (unless where otherwise specially directed), may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Police Magistrate, for any term not exceeding two months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed five pounds, and for any term not exceeding four months, where the amount with costs shall not exceed ten pounds, and for any term not exceeding six months in any other case, the commitment to be determined in each of the cases aforesaid upon payment of the amount and costs.

Magistrate may discharge the offender in certain cases.

97. Where any person shall be summarily convicted before a Police Magistrate of any offence against this Act, and it shall be a first conviction, the Police Magistrate may, if he shall so think fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the Magistrate.

A summary conviction shall be a bar to any other proceeding for the same cause.

98. In case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid together with costs under such conviction, or shall have received a remission thereof from the Crown or from the Governor of this Island, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been so discharged from his conviction

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by any Police Magistrate as aforesaid, in every such case he shall be released from all further proceedings for the same cause.

99. No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same. No certiorari, &c.

100. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed, and not otherwise: and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action: and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action. Proceedings against persons acting under this Act to be commenced within six months.
Notice of action.
General issue &c.

101. All indictable offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty of England and be cognizable by the courts of this Island, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed within this Island, and in any indictment for any such offence, or for being an accessory to any such offence, the venue in the margin shall be the same as if the offence had been committed in this Island, and the offence itself shall be averred to have been committed on the high seas: provided that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces. Offences committed within the jurisdiction of the Admiralty

Larceny Act.

Form of indictment for a subsequent offence.

102. In any indictment for any offence punishable under this Act, and committed after a previous conviction or convictions for any felony or misdemeanour, it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place or at certain times and places convicted of felony or of an indictable misdemeanour (as the case may be), without otherwise describing the previous felony or misdemeanour, and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanour, purporting to be signed by the clerk of the court, or other officer having the custody of the records of the court, where the offender was first convicted, or by the deputy of such clerk or officer, shall upon the proof of the identity of the person of the offender be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any indictment for committing any offence after previous conviction or convictions shall be as follows:—(that is to say) the offender shall in the first instance be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead not guilty, or if the court order a plea of not guilty to be entered on his behalf, the jury shall be charged in the first instance to inquire concerning such subsequent offence only, and if they find him guilty, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the indictment, and if he answer that he had been so previously convicted, the court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again but the oath already taken by them shall for all purposes be deemed to extend to such last mentioned inquiry: provided that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

When the previous conviction is to be proved on the trial.

Fine and sureties for keeping

103. Whenever any person shall be convicted of any indictable misdemeanour punishable under this Act, the

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court may, if it shall think fit, in addition to or in lieu of the peace, in any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour : and in case of any felony punishable under this Act, the court may, if it shall think fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized : provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

104. Whenever solitary confinement may be awarded for any indictable offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year : and whenever whipping may be awarded for any indictable offence under this Act other than the offence mentioned in section thirty of this Act, the court may sentence the offender to be once privately whipped, and the number of strokes shall not exceed twelve, and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

1868—2.

An Act to consolidate and amend the law of this Island relating to Malicious Injuries to Property.

[17 February 1868.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

1. This Act may be cited as the Malicious Injury to Short title Property Act 1868.

Injuries by fire to buildings, and goods therein.

2. Whosoever shall unlawfully and maliciously set fire to any church, chapel, meeting house, or other place of divine worship, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Malicious Injury to Property Act.

Setting fire to a dwelling-house, any person being therein.

3. Whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to a house, outhouse, manufactory, farm-building &c.

4. Whosoever shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, barn, boiling-house, curing-house, still-house, storehouse, granary, hovel, shed, or fold, or to any building or erection used in farming land, or in carrying on any trade, or manufacture, or any branch thereof, whether the same shall then be in the possession of the offender, or in the possession of any other person with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to any engine-house.

5. Whosoever shall unlawfully and maliciously set fire to any engine-house, warehouse, or other building belonging or appertaining to any port, dock or harbour, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to any public building.

6. Whosoever shall unlawfully and maliciously set fire to any building, other than such as are in this Act before mentioned, belonging to the Queen, or to the public of this Island, or to any parish or place, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Malicious Injury to Property Act.

7. Whosoever shall unlawfully and maliciously set fire to any building, other than such as are in this Act before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to other buildings.

8. Whosoever shall unlawfully and maliciously set fire to any matter or thing, being in against or under any building, under such circumstances that if the building were thereby set fire to the offence would amount to felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to goods in any building the setting fire to which is felony.

9. Whosoever shall unlawfully and maliciously by an overt act attempt to set fire to any building or any matter or thing in the last preceding section mentioned, under such circumstances that if the same were thereby set fire to the offender would be guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to set fire to buildings.

Injuries by explosive substances to buildings and goods therein.

10. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling-house, any person being therein, or of any building whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without

Destroying or damaging a house with gunpowder, any person being therein.

Malicious Injury to Property Act.

solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to
destroy build-
ings with gun-
powder.

11. Whosoever shall unlawfully and maliciously place or throw in, into, upon, under, against, or near any building any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place and whether or not any damage be caused, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to buildings by rioters, &c.

Rioters demol-
ishing church,
building, &c.

12. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish, or pull down, or destroy, or begin to demolish, pull down, or destroy, any church, chapel, meeting-house or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, boiling-house, curing-house, still-house, barn, granary, shed, hovel or fold, or any building or erection used in farming lands, or in carrying on any trade or manufacture, or in any branch thereof, or any building, other than such as are in this section before mentioned, belonging to the Queen or the public of this Island, or to any parish or place, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery whether fixed or movable prepared for or employed in any manufacture, or in any branch thereof, or any steam-engine or other engine for sinking, working, ventilating, or draining any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggonway, or truck, for conveying minerals from any mine, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Rioters injuring
building, ma-
chinery, &c.

13. If any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force injure or damage any such church,

Malicious Injury to Property Act.

chapel, meeting-house, place of divine worship, house, stable, coach-house, outhouse, warehouse, office, shop, mill, boiling-house, curing-house, still-house, barn, granary, shed, hovel, fold, building, erection, machinery, engine, staith, bridge, waggonway or truck as is in the last preceding section mentioned, every such offender shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour: provided that if upon the trial of any person for any felony in the last preceding section mentioned the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof, and he may be punished accordingly.

Injuries to buildings by tenants.

14. Whosoever being possessed of any dwelling-house or other building, or part of any dwelling-house or other building, held for any term of years or other less term, or at will, or held over after the termination of any tenancy, shall unlawfully and maliciously pull down or demolish, or begin to pull down or demolish, the same or any part thereof, or shall unlawfully and maliciously pull down or sever from the freehold any fixture, being fixed in or to such dwelling-house or building, or part of such dwelling-house or building, shall be guilty of a misdemeanour.

Tenants of houses &c., maliciously injuring them.

Injuries to machinery, &c.

15. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any machine or engine, whether fixed or movable, used or intended to be used for sowing, reaping, mowing, thrashing, ploughing or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement, whether fixed or movable, prepared for or employed in any manufacture whatsoever, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying machines, &c.

Malicious Injury to Property Act.

Setting fire to
stacks of trash
&c: crops of
canes or corn &c:

16. Whosoever shall unlawfully and maliciously set fire to any stack or large heap of straw, trash, mill-trash, cane-tops, corn-stocks, fodder or wood, or shall unlawfully and maliciously set fire to any crop or field of canes or corn, whether standing or cut down, or to any part of a wood or plantation of trees, or to any field of grass wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to
set fire to
stacks of trash
&c: crops of
canes or corn &c:

17. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any such matter or thing as in the preceding section mentioned, under such circumstances that if the same were thereby set fire to the offender would be under such section guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court, to be kept in penal servitude for any term not exceeding seven and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying or
damaging trees,
shrubs, &c., to
the value of
more than 1*l*.
growing in a
pleasure-ground,
&c.

18. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy, or damage, the whole or any part of any tree, sapling, or shrub, or any underwood, growing in any pleasure-ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, (in case the amount of the injury done shall exceed the sum of one pound), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying or
damaging trees,
shrubs, &c., to
the value of
more than 5*l*.
growing else-
where than in a

19. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy, or damage, the whole or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any pleasure-ground, garden, orchard, or avenue, or in any ground adjoining to or belonging to any dwelling-house, (in case the amount of

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injury done shall exceed the sum of five pounds), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

20. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy, or damage, the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be growing, the injury done being to the amount of one shilling at least, shall on conviction thereof before a Police Magistrate, at the discretion of the Magistrate, either be committed to prison there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of injury done, such sum of money, not exceeding five pounds, as to the Magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act of this Island, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall for such second offence be committed to prison there to be kept to hard labour for such term, not exceeding twelve months, as the convicting Magistrate shall think fit: and whosoever having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act), shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

pleasure-ground
&c.

Damaging trees,
wheresoever
growing, to the
amount of 1s.

Second offence.

Subsequent
offence.

21. Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production, growing in any garden, orchard, or nursery ground, hot-house, greenhouse, or conservatory, shall, on conviction thereof before a Police Magistrate at the discretion of the Police Magistrate, be either committed to prison there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding twenty

Destroying any
fruit, or vegeta-
ble production
in a garden.

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Subsequent
offence.

pounds, as to the Magistrate shall seem meet : and whosoever having been convicted of any such offence, either against this or any former Act of this Island, shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying, &c.,
vegetable pro-
ductions not
growing in
gardens. &c.

22. Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any lands, open or inclosed, not being a garden, orchard, or nursery ground, shall on conviction thereof before a Police Magistrate, at the discretion of the Police Magistrate, either be committed to prison there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding twenty shillings, as to the Police Magistrate shall seem meet, and in default of payment thereof together with the costs, if ordered, shall be committed as aforesaid for any term not exceeding one month unless payment be sooner made; and whosoever, having been convicted of any such offence either against this or any former Act of this Island, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to prison there to be kept to hard labour for such term not exceeding six months as the convicting Magistrate shall think fit.

Subsequent of-
fence.

Injuries to fences.

Destroying any
fence, stile or
gate.

23. Whosoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, shall on conviction thereof before a Police Magistrate for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding five pounds, as to the Magistrate shall seem meet, and whosoever having been convicted of any such offence, either against this or any former Act of this Island, shall afterwards commit any of the said offences in this

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section before mentioned, and shall be convicted thereof in like manner, shall be committed to prison there to be kept to hard labour for such term not exceeding twelve months as the convicting Magistrate shall think fit.

Injuries to sea and river banks, and to works on any river.

24. Whosoever shall unlawfully and maliciously cut off, draw up, or remove, any piles, stones, or other materials fixed in the ground, and used for securing any sea bank, or sea wall, or pier, or the bank, dam, or wall of any river, drain, aqueduct, marsh, reservoir, or port, harbour, dock, quay, wharf, or jetty, or shall unlawfully and maliciously do any injury or mischief whatsoever to any river, or to the careenage, or molehead of this Island, with intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the navigation thereof, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Removing the piles of any sea bank, &c., or doing any damage to obstruct the navigation of a river or the careenage, &c.

Injuries to ponds.

25. Whosoever shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam, flood-gate, or sluice of any fish pond, or of any water, which shall be private property, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish that may then be or that may thereafter be put therein, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Breaking down the dam of a fishery, &c., or poisoning fish.

Injuries to bridges.

26. Whosoever shall unlawfully and maliciously pull or throw down, or in anywise destroy any public bridge,

Injury to a public bridge.

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(whether over any stream of water or not), or do any injury with intent and so as thereby to render such bridge or any part thereof dangerous or impassable, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to works of art.

Destroying or
damaging works
of art in muse-
ums, churches,
&c., or in public
places.

27. Whosoever shall unlawfully and maliciously destroy or damage any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing kept for the purpose of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other repository, which museum, gallery, cabinet, library, or other repository, is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof, or by the payment of money before entering the same, or any picture, statue, monument, or other memorial of the dead, painted glass or other ornament or work of art in any church, chapel, meeting-house, or other place of divine worship, or in any building belonging to the Queen or to the public of this Island, or to any parish or place, or in any street, square, churchyard, burial-ground, public garden, or ground, or any fountain, statue or monument exposed to public view, or any ornament, railing or fence surrounding such fountain, statue, or monument, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping; provided that nothing herein contained shall be deemed to affect the right of any person to recover by action at law damages for the injury so committed.

Injuries to cattle and other animals.

Killing or
maiming cattle

28. Whosoever shall unlawfully and maliciously kill, maim, or wound any cattle shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years, or to be

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imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

29. Whosoever shall unlawfully and maliciously kill, maim, or wound any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or for any domestic purpose, shall on conviction thereof before a Police Magistrate, at the discretion of the Police Magistrate either be committed to prison there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the amount of injury done, such sum of money not exceeding twenty pounds as to the Magistrate shall seem meet; and whosoever having been convicted of any such offence shall afterwards commit any of the said offences in this section before mentioned and shall be convicted thereof in like manner, shall be committed to prison, there to be kept to hard labour for such term not exceeding twelve months, as the convicting Magistrate shall think fit.

Killing or maiming other animals.
Subsequent offence.

30. Whosoever shall unlawfully and maliciously set fire to or cast away or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to a ship.

31. Whosoever shall unlawfully and maliciously set fire to or cast away or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that has underwritten or shall underwrite any policy of insurance upon such ship or vessel or on the freight thereof or upon any goods on board the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to ships to prejudice the owner or underwriters.

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Attempting to
set fire to a
vessel.

32. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to, cast away, or destroy any ship or vessel, under such circumstances that if the ship or vessel were thereby set fire to, cast away, or destroyed, the offender would be guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Placing gun-
powder near a
vessel with
intent to damage
it.

33. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near, any ship or vessel any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working tools, goods, or chattels, shall, whether or not any explosion take place, or whether or not any injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Damaging ships
otherwise than
by fire.

34. Whosoever shall unlawfully and maliciously damage, otherwise than by fire, gunpowder, or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or render the same useless, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Exhibiting false
signals &c.

35. Whosoever shall unlawfully mask, alter, or remove any light or signal, or unlawfully exhibit any false light or signal, with intent to bring any ship, vessel, or boat into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is hereinbefore provided, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three

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years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

36. Whosoever shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall unlawfully and maliciously do any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall in any other manner unlawfully and maliciously injure or conceal any boat, buoy, buoy-rope, perch, or mark, used or intended for the guidance of seamen, or for the purpose of navigation, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Removing or concealing buoys and other sea-marks.

37. Whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Destroying wrecks or any articles belonging thereto.

Sending letters threatening to burn or destroy.

38. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing, threatening to burn or destroy any house, barn, or other building, or any rick or stack or heap of trash, mill-trash, cane-tops, or corn-stocks, or any crop or field of canes, corn or other agricultural produce, or any ship or vessel, or to kill, maim, or wound any cattle, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Sending letters threatening to burn or destroy houses, buildings, ships &c.

*Malicious Injury to Property Act.**Injuries not before provided for.*

Persons committing malicious injuries not before provided for exceeding the amount of 5*l*.

39. Whosoever shall unlawfully and maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, the damage, injury, or spoil, being to an amount exceeding five pounds, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and in case any such offence shall be committed between the hours of nine of the clock in the evening and six of the clock in the next morning, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding five years and not less than three, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Persons committing damage to any property, in any case not previously provided for, may be imprisoned or fined and compelled by a Magistrate to pay compensation not exceeding 5*l*.

40. Whosoever shall wilfully or maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall on conviction thereof before a Police Magistrate, at the discretion of the Magistrate, either be committed to prison there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding two months, or else shall forfeit and pay such sum of money not exceeding five pounds as to the Magistrate shall seem meet, and also such further sum of money as shall appear to the Magistrate to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of five pounds, which last-mentioned sum of money shall, in the case of private property, be paid to the party aggrieved: and in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in the same manner as every penalty imposed by a Magistrate under this Act; and if such sums of money, together with costs (if ordered), shall not be paid either immediately after the conviction or within such period as the Magistrate shall at the time of the conviction appoint, the Magistrate may commit the offender to prison there to be imprisoned only, or to be imprisoned and kept to hard labour as the Magistrate shall think fit, for any term not exceeding two months unless such sums and costs be sooner paid; provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of.

Application of the money awarded.

Not to extend to any case where the party supposed he had a right to do the act.



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41. The provisions in the last preceding section contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub, or underwood, for which no punishment is hereinbefore provided. Preceding section to extend to trees.

Making gunpowder to commit offences.

42. Whosoever shall make or manufacture, or knowingly have in his possession, any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent thereby or by means thereof to commit or for the purpose of enabling any other person to commit any of the felonies in this Act mentioned, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. Making or having gunpowder &c., with intent to commit any felony against this Act.

Other matters.

43. In the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: and every person who shall aid, abet, counsel, or procure the commission of any misdemeanour punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender. Principals in the second degree and accessories.

Abettors in misdemeanour.

44. Any constable or police officer may take into custody without warrant any person whom he shall find lying or loitering in any highway, yard, or other place, during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act, and shall take such person as soon as reasonably may be before a Police Magistrate to be dealt with according to law. A person loitering at night, and suspected of any felony against this Act, may be apprehended.

45. Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon Malice against owner of property unnecessary.

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summary conviction, shall equally apply and be enforced whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

Provisions of this Act shall apply to persons in possession of the property injured.

46. Every provision of this Act not hereinbefore so applied shall apply to every person who, with intent to injure or defraud any other person, shall do any of the acts hereinbefore made penal, although the offender shall be in possession of the property against or in respect of which such act shall be done.

Intent to injure or defraud particular persons need not be stated in any indictment.

47. It shall be sufficient in any indictment for any offence against this Act, where it shall be necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud (as the case may be) without alleging an intent to injure or defraud any particular person, and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to injure or defraud (as the case may be).

Persons in the act of committing any offence, may be apprehended without a warrant.

48. Any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended without a warrant by any peace officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some Police Magistrate to be dealt with according to law.

Mode of compelling the appearance of persons punishable on summary conviction.

49. Where any person shall be charged on the oath of a credible witness before any Police Magistrate with any offence punishable on summary conviction under this Act, the Police Magistrate may summon the person charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then, upon proof of the due service of the summons upon such person by delivering the same to him personally or by leaving the same at his usual place of abode, the Police Magistrate may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person and bringing him before himself or some other Police Magistrate, or the Police Magistrate before whom the charge shall be made may, if he shall so think fit, without any previous summons (unless where otherwise specially directed) issue such warrant; and the Police Magistrate before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

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50. Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction either for every time of its commission, or for the first and second time only, or for the first time only, shall on conviction before a Police Magistrate be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

Abettors in offences punishable on summary conviction.

51. Every sum of money which shall be forfeited for the amount of any injury done shall be assessed in each case by the convicting Police Magistrate and shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any Police Magistrate, whether in addition to such amount or otherwise, shall be to Her Majesty her heirs and successors, and paid into the Public Treasury of this Island for the public uses of the Island; provided that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every case no further sum shall be paid to the party aggrieved than such value or amount; and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a Police Magistrate is hereinbefore directed to be applied.

Application of forfeitures and penalties upon summary convictions.

Proviso where several persons join in commission of same offence.

52. In every case of a summary conviction under this Act, where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the Police Magistrate, shall not be paid either immediately after the conviction or within such period as the Police Magistrate shall at the time of the conviction appoint, the convicting Police Magistrate (unless where otherwise specially directed) may commit the offender to prison there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Police Magistrate, for any term not exceeding two months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be) together with the costs, shall not exceed five pounds; and for any term not exceeding four months where the amount with costs shall not exceed ten pounds; and for any term not exceeding six months, in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

If a person summarily convicted shall not pay &c., the Magistrate may commit him.

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The Magistrate may discharge the offender in certain cases.

53. Where any person shall be summarily convicted before a Police Magistrate of any offence against this Act, and it shall be a first conviction, the Police Magistrate may, if he shall so think fit, discharge the offender from his conviction upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the Police Magistrate.

A summary conviction shall be a bar to any other proceeding for the same cause.

54. When any person convicted of any offence punishable upon summary conviction, by virtue of this Act, shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have received a remission thereof from the Governor, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or shall have been so discharged from his conviction by any Police Magistrate as aforesaid, he shall be released from all further proceedings for the same cause.

No certiorari, &c.

55. No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

Actions to be commenced within six months after the fact committed.

56. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within six months after the fact committed, and not otherwise : and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action ; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon ; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant ; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases : and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action.

Notice of action. General issue, &c.

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57. All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England and be cognizable by the courts of this Island, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in this Island, and may be dealt with, inquired of, tried, and determined in the same manner in all respects as if they had been actually committed in this Island; and in any indictment for any such offence, or for being an accessory to any such offence, the venue in the margin shall be the same as if the offence had been committed in this Island, and the offence shall be averred to have been committed on the high seas: provided that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces.

Offences committed within the jurisdiction of the Admiralty.

58. Whenever any person shall be convicted of any indictable misdemeanour punishable under this Act the court may, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the court may, if it shall think fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace in addition to any punishment by this Act authorized: provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Fine and sureties for keeping the peace, in what cases.

59. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in any prison.

Hard labour.

60. Whenever solitary confinement may be awarded for any indictable offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any indictable offence under this Act, the court may sentence the offender to be once privately whipped, and the number of strokes shall not exceed twelve, and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

Solitary confinement and whipping.

1868—3.

Forgery Act.

1868---3.

An Act to consolidate and amend the law of this Island relating to indictable offences by Forgery.

[17 February 1868.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

Short title

1. This Act may be cited as the Forgery Act 1868.

As to forging Her Majesty's seals.

Forging the seal of the Island, or Her Majesty's royal sign manual, &c.

2. Whosoever shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, the seal of this Island, or Her Majesty's royal sign manual, or shall forge or counterfeit the stamp or impression of the seal aforesaid, or shall utter any document or instrument whatsoever, having thereon or affixed thereto the stamp or impression of any such forged or counterfeited seal, knowing the same to be the stamp or impression of such forged or counterfeited seal, or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of the seal aforesaid, knowing the same to be forged or counterfeited ; or shall forge or alter, or utter, knowing the same to be forged or altered, any document or instrument having the said stamp or impression thereon or affixed thereto, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging transfers of stocks &c.

Forging transfer of certain stock and power of attorney relating thereto.

3. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any transfer of any share or interest of or in the capital stock of any body corporate, company, or society, which now is or hereafter may be established by charter, or by, under, or by virtue of any Act of the Imperial Parliament or of this Island ; or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such capital stock, or to receive any dividend or money payable in respect of any such share or interest, or shall demand or endeavour to have any such

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share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

4. Whosoever shall falsely and deceitfully personate any owner of any share or interest of or in any of the capital stock of any body corporate, company, or society, which now is or hereafter may be established by charter, or by under or by virtue of any Act of the Imperial Parliament or of this Island, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid, and shall thereby transfer or endeavour to transfer any share or interest belonging to any such owner, or thereby receive or endeavour to receive any money due to any such owner, as if such offender were the true and lawful owner, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Personating the owner of certain stock, and transferring, or receiving, or endeavouring to transfer or receive the dividends.

5. Whosoever shall forge any name, handwriting, or signature, purporting to be the name, handwriting, or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such capital stock as is in either of the last two preceding sections mentioned, or to receive any dividend or money payable in respect of any such share or interest, or shall offer, utter, dispose of, or put off, any such power of attorney or other authority, with any such forged name, handwriting, or signature thereon, knowing the same to be forged, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Forging attestation to power of attorney for transfer of stock, &c.

As to forging bank notes.

6. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or

Forging a bank note.

Forgery Act.

altered, any note or bill of exchange of the governor and company of the Bank of England, or of the governor and company of the Bank of Ireland, or of any other body corporate, company, or person carrying on the business of bankers in this Island or elsewhere, commonly called a bank note, a bank bill of exchange, or a bank post bill, or any indorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Purchasing, or
receiving, or
having forged
bank notes.

7. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall purchase or receive from any other person, or have in his custody or possession, any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

As to forging deeds, wills, bills of exchange, &c.

Forging deeds,
bonds, &c.

8. Whosoever with intent to defraud shall forge or alter or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, or any bond, or writing obligatory, or any assignment at law or in equity of any such bond or writing obligatory, or shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting the execution of any deed, bond, or writing obligatory, or shall offer, utter, dispose of, or put off any deed, bond, or writing obligatory, having thereon any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Forging wills.

9. Whosoever with intent to defraud shall forge or alter, or shall offer, utter, dispose of, or put off, knowing

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the same to be forged or altered, any will, testament, codicil, or testamentary instrument, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

10. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange, or any acceptance, indorsement, or assignment of any bill of exchange or any promissory note for the payment of money, or any indorsement or assignment of any such promissory note, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Forging bills of exchange, or promissory notes.

11. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or chattels, or of any note, bill, or other security for the payment of money or for procuring or giving credit, or any indorsement on or assignment of any such undertaking, warrant, order, authority, or request, or any accountable receipt, acquittance, or receipt for money or for goods, or for any note, bill, or other security for the payment of money, or any indorsement on or assignment of any such accountable receipt, with intent in any of the cases aforesaid to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Forging orders, receipts, &c., for money, goods, &c.

12. Whosoever with intent to defraud shall draw, make, sign, accept, or indorse any bill of exchange, or promissory note, or any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery, or transfer of goods or chattels, or of any bill, note or other security for money, by procuration or otherwise, for, in the name, or on the account of any other person, without lawful authority or excuse, or shall offer, utter, dispose of, or put off any such bill, note, undertaking, war-

Any person making or accepting any bill, note, &c., by procuration without lawful authority, or uttering same with intent to defraud, to be guilty of felony.

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rant, order, authority, or request so drawn, made, signed, accepted, or indorsed by procuration or otherwise, without lawful authority or excuse as aforesaid, knowing the same to have been so drawn, made, signed, accepted, or indorsed as aforesaid, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Forging debentures.

13. Whosoever shall fraudulently forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any debenture issued under any lawful authority whatsoever, either within Her Majesty's dominions or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging records, process, instruments of evidence &c.

Forging proceedings of courts of record or courts of equity.

14. Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognizance, cognovit actionem, or warrant of attorney, or any original document whatsoever of or belonging to any court of record, or any bill, petition, process, notice, rule, answer, pleading, interrogatory, deposition, affidavit, affirmation, report, order or decree, or any original document whatsoever, of or belonging to any court of equity, or court of Admiralty or vice Admiralty, or any document or writing, or any copy of any document or writing, used or intended to be used as evidence in any court in this section mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Forging copies or certificates of records process

15. Whosoever being the clerk of any court, or other officer having the custody of the records of any court, or being the deputy of any such clerk or officer, shall utter any

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false copy or certificate of any record, knowing the same to be false; and whosoever, other than such clerk, officer, or deputy, shall sign or certify any copy or certificate of any record as such clerk, officer, or deputy; and whosoever shall forge or fraudulently alter or offer, utter, dispose of or put off, knowing the same to be forged or fraudulently altered, any copy or certificate of any record, or shall offer, utter, dispose of or put off, any copy or certificate of any record having thereon any false or forged name, handwriting, or signature, knowing the same to be false or forged; and whosoever shall forge the seal of any court of record, or shall forge, or fraudulently alter any process of any court, other than such court as in the last preceding section mentioned, or shall serve or enforce any forged process of any court whatsoever, knowing the same to be forged, or shall deliver or cause to be delivered, to any person any paper falsely purporting to be any such process, or a copy thereof, or to be any judgment, decree, or order of any court of law or equity, or a copy thereof, knowing the same to be false, or shall act or profess to act under such false process, knowing the same to be false, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

of courts not
of record and
using forged
process.

16. Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any instrument, whether written or printed, or partly written and partly printed, which is or shall be made evidence by an Act of the Imperial Parliament, or of this Island passed or to be passed and for which offence no punishment is herein provided, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Forging instru-
ments made evi-
dence by any
Act of Parlia-
ment or of this
Island.

As to forging registers of deeds.

17. Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any memorial, affidavit, affirmation, entry, certificate, indorsement, document or writing, made or issued under the provisions of any Act of

Forgery as to
the registry of
deeds.

Forgery Act.

this Island passed or hereafter to be passed for or relating to the registry of deeds, or shall forge or counterfeit the seal of or belonging to any office for the registry of deeds, or any stamp or impression of any such seal; or shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of any person to any such memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing which shall be required or directed to be signed by or by virtue of any Act of this Island passed or to be passed, or shall offer, utter, dispose of, or put off, any such memorial or other writing as in this section before mentioned, having thereon any such forged stamp or impression of any such seal, or any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging orders, &c., of Justices of the Peace.

Forging orders
of justices, re-
cognizances,
affidavits, &c.

18. Whosoever with intent to defraud shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any summons, conviction, order, or warrant of any Police Magistrate or Justice of the Peace, or any recognizance purporting to have been entered into before any Police Magistrate, Justice of the Peace, or other officer authorized to take the same, or any examination, deposition, affidavit, affirmation, or solemn declaration, taken or made before any Police Magistrate or Justice of the Peace, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to falsely acknowledging recognizances, &c.

Acknowledging
recognizance,
bail, cognovit,
&c., in the name
of another.

19. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall in the name of any other person, acknowledge any recognizance or bail, or any cognovit actionem, or judgment, or any deed, or other instrument before any court, judge, or other person lawfully authorized in that behalf, shall be guilty

Forgery Act.

of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging marriage licenses.

20. Whosoever shall forge or fraudulently alter any license of or certificate for marriage, or shall offer, utter, dispose of, or put off any such license or certificate, knowing the same to be forged or fraudulently altered, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Forging or utter-
ing marriage
license or certi-
cate.

As to forging registers of births, marriages, and deaths.

21. Whosoever shall unlawfully destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any register of births, baptisms, marriages, deaths, or burials, which now is or hereafter shall be by law authorized or required to be kept in this Island, or any part of any such register, or any certified copy of any such register, or any part thereof; or shall forge or fraudulently alter in any such register any entry relating to any birth, baptism, marriage, death, or burial, or any part of any such register, or any certified copy of such register, or of any part thereof, or shall knowingly and unlawfully insert or cause or permit to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death, or burial, or shall knowingly and unlawfully give any false certificate relating to any birth, baptism, marriage, death, or burial, or shall certify any writing to be a copy or extract from any such register, knowing such writing or the part of such register whereof such copy or extract shall be so given, to be false in any material particular; or shall forge or counterfeit the signature of any person lawfully authorized to certify any copy of or extract from any such register, or shall offer, utter, dispose of, or put off any such register, entry, certified copy, certificate, or signature, knowing the same to be false, forged, or altered; or shall offer, utter,

Forging regis-
ters of births,
baptisms, mar-
riages, deaths,
or burials.

Forgery Act.

dispose of, or put off, any copy of any entry in any such register, knowing such entry to be false, forged, or altered, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Making false entries in copies of register sent to registrar.

22. Whosoever shall knowingly and wilfully insert, or cause or permit to be inserted in any copy of any register, directed or required by law to be transmitted to any registrar, or other officer, any false entry of any matter relating to any baptism, marriage, or burial, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any copy of any register so directed or required to be transmitted as aforesaid, or shall knowingly and wilfully sign or verify any copy of any register so directed or required to be transmitted as aforesaid, which copy shall be false in any part thereof, knowing the same to be false, or shall unlawfully destroy, deface, or injure, or shall for any fraudulent purpose take from its place of deposit, or conceal any such copy of any register, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to demanding property upon forged instruments.

Demanding property upon forged instruments.

23. Whosoever with intent to defraud shall demand, receive, or obtain, or cause, or procure to be delivered or paid to any person, or endeavour to receive or obtain, or to cause or procure to be delivered, or paid to any person, any chattel, money, security for money, or other property whatsoever, under, upon, or by virtue of any forged or altered instrument whatsoever, knowing the same to be forged or altered, or under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration shall have been obtained to have been forged, or altered, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation or affidavit, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for

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any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to other matters.

24. Where by this or by any other Act any person is or shall hereafter be made liable to punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing designated in any such Act by any special name or description, and such instrument or writing, however designated, shall be in law a will, testament, codicil, or testamentary writing, or a deed, bond, or writing obligatory, or a bill of exchange, or a promissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, authority or request for the payment of money, or an indorsement on or assignment of an undertaking, warrant, order, authority or request for the payment of money, within the true intent and meaning of this Act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off, such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this Act, and punished accordingly.

Forging any instrument however designated which is in law a will, bill of exchange, &c.

25. In any indictment for forging, altering, offering, uttering, disposing of, or putting off any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or facsimile thereof, or otherwise describing the same or the value thereof.

Description of instrument in indictments for forgery.

26. In any indictment for engraving or making the whole or any part of any instrument, matter or thing whatsoever, or for using or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved or made, or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument,

Description of instrument in indictments for engraving, &c.

Forgery Act.

matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or facsimile of the whole or any part of such instrument, matter or thing.

Intent to defraud particular person need not be alleged or proved.

27. It shall be sufficient in any indictment for forging, altering, uttering, offering, or disposing of, or putting off, any instrument whatsoever where it shall be necessary to allege an intent to defraud, to allege that the party accused did the act with intent to defraud without alleging an intent to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

Interpretation as to criminal possession.

28. Where the having any matter in the custody or possession of any person is in this Act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in the actual custody or possession of any other person, or shall knowingly and wilfully have any such matter in any dwelling house, or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act.

Principals in the second degree, and accessories.

29. In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: and every person who shall aid, abet, counsel, or procure the commission of any misdemeanour punishable under this Act shall be liable to be proceeded against, indicted, and punished, as a principal offender.

Abettors in misdemeanours.

Offences committed within the jurisdiction of the Admiralty.

30. All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England and be cognizable by the courts of this Island shall be deemed to be offences of the same nature and be liable to the same punishments as if they had been com-

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Forgery Act.

mitted upon the land in this Island, and may be dealt with, inquired of, tried, and determined, in the same manner in all respects as if they had been actually committed in this Island; and in any indictment for any such offence, or for being accessory to such an offence the venue in the margin shall be the same as if the offence had been committed in this Island, and the offence shall be averred to have been committed on the high seas; provided that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces.

31. Whenever any person shall be convicted of a misdemeanour under this Act, it shall be lawful for the court, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorized, to fine the offender and to require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in all cases of felonies in this Act mentioned, it shall be lawful for the court, if it shall think fit, to require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to any of the punishments by this Act authorized; provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Fine and sureties for keeping the peace in what cases.

32. Whenever imprisonment, with or without hard labour, may be awarded for any offence under this Act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in any prison.

Hard labour.

33. Whenever solitary confinement may be awarded for any offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

Solitary confinement.

1868—4.

An Act to consolidate and amend the law of this Island against offences relating to the Coin.

[17 February 1868.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

1. This Act may be cited as the Coinage (Offences) Act 1868.

Coinage (Offences) Act.

Interpretation of terms. **2.** In the interpretation of and for the purposes of this Act:

Current gold and silver coin. The expression "the Queen's current gold or silver coin" shall include any gold or silver coin, coined in any of Her Majesty's mints or lawfully current in this Island by virtue of any proclamation or otherwise;

Copper coin. The expression "the Queen's copper coin" shall include any copper coin and any coin of bronze or mixed metal coined in any of Her Majesty's mints, or lawfully current in this Island by virtue of any proclamation or otherwise;

False or counterfeit coin. The expression "false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin" shall include any of the current coin which shall have been gilt, silvered, washed, coloured, or cased over or in any manner altered so as to resemble or be apparently intended to resemble or pass for any of the Queen's current coin of a higher denomination;

Current coin. The expression "the Queen's current coin" shall include any coin coined in any of Her Majesty's mints, or lawfully current in this Island by virtue of any proclamation or otherwise, and whether made of gold, silver, copper, bronze, or mixed metal;

What shall be possession. Where the having any matter in the custody or possession of any person is mentioned in this Act, it shall include not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling house or other building, lodging, apartment, field, or other place open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or benefit, or for that of any other person.

Counterfeiting the gold or silver coin. **3.** Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Colouring counterfeit coin, or any pieces of metal with intent to make them pass for **4.** Whosoever shall gild or silver, or shall with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, wash, case over, or colour any coin whatsoever resembling or apparently intended to resemble or pass for any of the

Coinage (Offences) Act.

Queen's current gold or silver coin ; or shall gild or silver, gold or silver coin.

or shall with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, wash, case over, or colour any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined into false and counterfeit coin, resembling or apparently intended to resemble or pass for any of the Queen's current gold

or silver coin ; or shall gild, or shall with any wash or materials capable of producing the colour or appearance of gold, or by any means whatsoever, wash, case over, or colour any of the Queen's current silver coin ; or file, or in any manner alter such coin with intent to make the same resemble or pass for any of the Queen's current gold coin ; or shall gild or silver, or shall with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, wash, case over, or colour, any of the Queen's current copper coin ; or file, or in any manner alter such coin with intent to make the same resemble or pass for any of the Queen's current gold or silver coin, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Colouring or altering genuine coin with intent to make it pass for a higher coin.

5. Whosoever shall impair, diminish, or lighten any of the Queen's current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for the Queen's current gold or silver coin, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

6. Whosoever shall unlawfully have in his custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which shall have been produced or obtained by impairing, diminishing, or lightening any of the Queen's current gold or silver coin, knowing the same to have been so produced or obtained, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven

Impairing the gold or silver coin with intent &c.

Unlawful possession of filings or clippings of gold or silver coin.

Coinage (Offences) Act.

years and not less three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Buying or selling, &c., counterfeit gold or silver coin, for lower value than its denomination

7. Whosoever, without lawful authority or excuse (the proof whereof shall be on the party accused), shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, at or for a lower rate of value than the same imports or was apparently intended to import, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence as in this section mentioned, it shall be sufficient to allege that the party accused did buy, sell, receive, pay, or put off, or did offer to buy, sell, receive, pay, or put off, the false or counterfeit coin at or for a lower rate or value than the same imports or was apparently intended to import, without alleging at or for what rate, price, or value the same was bought, sold, received, paid, or put off, or offered to be bought, sold, received, paid, or put off.

Importing counterfeit coin from beyond seas.

8. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall import or receive into this Island from beyond the seas any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Uttering counterfeit gold or silver coin.

9. Whosoever shall tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

Uttering, accompanied by

10. Whosoever shall tender, utter, or put off any false or counterfeit coin resembling or apparently intended to re-

Coinage (Offences) Act.

semble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, and shall at the time of such tendering, uttering, or putting off, have in his custody or possession besides the false or counterfeit coin so tendered, uttered, or put off, any other piece of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, or shall, either on the day of such tendering, uttering or putting off or within the space of ten days then next ensuing, tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

possession of other counterfeit coin or followed by a second uttering.

11. Whosoever shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, and with intent to utter or put off the same or any of them, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Having three or more pieces of counterfeited gold or silver coin in possession, &c., with intent, &c.

12. Whosoever having been convicted, either before or after the passing of this Act, of any such misdemeanour as in any of the last three preceding sections mentioned, or of any felony against this or any former Act relating to the coin, shall afterwards commit any of the misdemeanours in any of the said sections mentioned shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Every second offence of uttering, &c., after a previous conviction shall be felony.

13. Whosoever shall, with intent to defraud, tender, utter, or put off as or for any of the Queen's current gold or silver coin, any coin, not being such current gold or silver coin, or any medal, or piece of metal, or mixed metals, resembling in size, figure, and colour the current coin as or for which the same shall be so tendered, uttered, or put off, such coin, medal, or piece of metal, or mixed metals, so ten-

Uttering foreign coin, medals, &c., as current coin, with intent to defraud.

Coinage (Offences) Act.

dered, uttered, or put off, being of less value than the current coin as or for which the same shall be so tendered, uttered, or put off, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

Counterfeiting
&c. copper coin.

14. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin; and whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall knowingly make or mend, or begin or proceed to make or mend, or buy, or sell, or have in his custody or possession, any instrument, tool, or engine adapted and intended for the counterfeiting any of the Queen's current copper coin; or shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, at or for a lower rate or value than the same imports or was apparently intended to import, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Uttering base
copper coin.

15. Whosoever shall tender, utter, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, knowing the same to be false or counterfeit; or shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, knowing the same to be false or counterfeit, and with intent to utter, or put off, the same, or any of them, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

Defacing the
coin by stamp-
ing words there-
on.

16. Whosoever shall deface any of the Queen's current gold, silver, or copper coin, by stamping thereon any names or words, whether such coin shall or shall not be thereby diminished or lightened, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour.

Coinage (Offences) Act.

17. No tender of payment in money made in any gold, silver, or copper coin, so defaced by stamping, as in the last preceding section mentioned, shall be allowed to be a legal tender; and whosoever shall tender, utter, or put off any coin so defaced, shall on conviction thereof before a Police Magistrate be liable to forfeit and pay any sum not exceeding forty shillings; provided that it shall not be lawful for any person to proceed for any such last mentioned penalty without the consent of Her Majesty's Attorney General.

Tender of coin so defaced not to be a legal tender. and penalty for uttering the same.

18. Whosoever shall make or counterfeit any kind of coin not being the Queen's current gold or silver coin, but resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Counterfeiting foreign gold and silver coin.

19. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall bring or receive into this Island any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, knowing the same to be false or counterfeit, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Bringing such counterfeit coin into the Island.

20. Whosoever shall tender, utter, or put off any such false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, knowing the same to be false or counterfeit, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding six months, with or without hard labour.

Penalty for uttering such counterfeit coin.

21. Whosoever, having been so convicted as in the last preceding section mentioned, shall afterwards commit the like offence of tendering, uttering, or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion

Second offence of uttering counterfeit foreign coin.

Coinage (Offences) Act.

Third offence.

of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and whosoever having been so convicted of a second offence shall afterwards commit the like offence of tendering, uttering, or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Persons counterfeiting foreign coin other than gold and silver coin.

22. Whosoever shall falsely make or counterfeit any kind of coin, not being the Queen's current coin, but resembling or apparently intended to resemble or pass for any copper coin or any other coin made of any metal or mixed metals of less value than the silver coin of any foreign prince, state or country, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, for the first offence, to be imprisoned for any term not exceeding one year, and for the second offence, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Penalty on persons having more than five pieces of such counterfeit foreign coin in their possession.

23. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall have in his custody or possession any greater number of pieces than five pieces of false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, or any such copper or other coin as in the last preceding section mentioned, shall on conviction thereof before any Police Magistrate forfeit and lose all such false and counterfeit coin, which shall be cut in pieces and destroyed by order of such Police Magistrate, and shall for every such offence forfeit and pay any sum of money not exceeding forty shillings nor less than ten shillings for every such piece of false and counterfeit coin which shall be found in the custody or possession of such person, one moiety to the informer and the other moiety to be paid into the Public Treasury; and in case any such penalty shall not be forthwith paid, it shall be lawful for any such Police Magistrate to commit the person who shall have been adjudged to pay the same to prison, there to be kept to hard labour for the space of three months, or until such penalty shall be paid.

Coinage (Offences) Act.

24. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his custody or possession any puncheon, counter puncheon, matrix, stamp, die, pattern, or mould, in or upon which there shall be made or impressed, or which will make or impress, or which shall be adapted and intended to make or impress, the figure, stamp, or apparent resemblance of both or either of the sides of any of the Queen's current gold or silver coin or of any coin of any foreign prince, state, or country, or of any part or parts of both or either of such sides; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his custody or possession any edger, edging or other tool, collar, or instrument, or engine adapted or intended for the marking of coin round the edges with letters, grainings, or other marks or figures, apparently resembling those on the edges of any such coin as in this section aforesaid, knowing the same to be so adapted and intended as aforesaid; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his custody or possession any press for coinage, or any cutting engine for cutting by force of a screw or other contrivance round blanks out of gold, silver, or other metal or mixture of metals, or any other machine, knowing such press to be a press for coinage, or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin as in this section aforesaid, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Making, mending, or having possession of any coining tools, felony.

25. Where any coin shall be tendered as the Queen's current gold or silver coin to any person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend, or deface such coin; and if any coin so cut, broken, bent or defaced, shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof, but if the same shall be of due weight, and shall appear to be lawful coin, the person cutting, breaking, bending, or defacing the same is hereby required to receive the same at the rate it was coined for; and if

Coin suspected to be diminished or counterfeit may be cut by person to whom it is tendered.

Who shall bear the loss.

Coinage (Offences) Act.

any dispute shall arise whether the coin so cut, broken, bent, or defaced be diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary manner by any Police Magistrate who is hereby empowered to examine upon oath as well the parties as any other person in order to the decision of such dispute.

Provisions for the discovery and seizure of counterfeit coin and coining tools, for securing them as evidence, and for ultimately disposing of them.

26. If any person shall find or discover in any place whatsoever, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any of the Queen's current gold silver or copper coin, or any coin of any foreign prince, state, or country, or any instrument, tool, or engine whatsoever, adapted and intended for the counterfeiting of any such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any of the Queen's current gold or silver coin, it shall be lawful for the person so finding or discovering and he is hereby required to seize the same, and to carry the same forthwith before some Police Magistrate; and where it shall be proved, on the oath of a credible witness before any Police Magistrate, that there is reasonable cause to suspect that any person has been concerned in counterfeiting the Queen's current gold silver or copper coin, or any such foreign or other coin as in this Act before mentioned, or has in his custody or possession any such false or counterfeit coin, or any instrument, tool, or engine whatsoever adapted and intended for the making or counterfeiting of any such coin, or any other machine used or intended to be used for making or counterfeiting any such coin, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as aforesaid, it shall be lawful for any Police Magistrate, by warrant under his hand, to cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched, either in the day or in the night, and if any such false or counterfeit coin, or any such instrument, tool, or engine or any such machine, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution or otherwise as aforesaid, shall be found in any place so searched, to cause the same to be seized and carried forthwith before some Police Magistrate; and whensoever any such false or counterfeit coin or any such instrument, tool, or engine or any such machine, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as aforesaid, shall in

Coinage (Offences) Act.

any case whatsoever be seized and carried before a Police Magistrate, he shall if necessary cause the same to be secured for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this Act; and all such false and counterfeit coin, and all instruments, tools, and engines adapted and intended for the making or counterfeiting of coin, and all such machines, and all such filings, clippings, and bullion, and all such gold and silver in dust, solution, or otherwise as aforesaid, after they shall have been produced in evidence, or when they shall have been seized and shall not be required to be produced in evidence, shall forthwith be delivered up to the Treasurer of the Island, or to any person authorized by him to receive the same.

27. Every offence of falsely making or counterfeiting any coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, utter, or put off any false or counterfeit coin, against the provisions of this Act, shall be deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered or put off, or offered to be bought, sold, received, paid, uttered, or put off, shall not be in a fit state to be uttered, or the counterfeiting thereof shall not be finished or perfected.

Where the counterfeiting coin shall be complete.

28. It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any indictable offence against this Act, and to convey or deliver him to some peace officer, constable, or officer of police, in order to his being conveyed as soon as reasonably may be before a Police Magistrate to be dealt with according to law.

Any person may apprehend any person committing any indictable offence against this Act.

29. In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Punishment of principal in the second degree, and accessories.

30. No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

No certiorari, &c.

Coinage (Offences) Act.

Offences committed within the jurisdiction of the Admiralty.

31. All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England and be cognizable by the courts of this Island shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed in this Island, and may be dealt with, inquired of, tried, and determined, in the same manner in all respects as if the same had been actually committed in this Island, and in any indictment for any such offence or for being an accessory to any such offence the venue in the margin shall be the same as if such offence had been committed in this Island, and the offence itself shall be averred to have been committed on the high seas.

What shall be sufficient evidence of a conviction for a previous offence.

32. Where any person shall have been convicted of any offence against this Act or any former Act relating to the coin, and shall afterwards be indicted for any offence against this Act committed subsequent to such conviction, it shall be sufficient in any such indictment, after charging such subsequent offence, to state the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence, purporting to be signed by the clerk of the court or other officer having or purporting to have the custody of the records of the court, where the offender was first convicted, or by the deputy of such clerk or officer, shall upon proof of the identity of the person of the offender, be sufficient evidence of the previous conviction, without proof of the signature or official character or authority of the person appearing to have signed the same, or of his custody or right to the custody of the records of the court, and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows, (that is to say), the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead not guilty, or if the court order a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to enquire concerning such subsequent offence only; and if they find him guilty, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had previously been convicted as alleged in the indictment, and if he answer that he had been so previously convicted, the court may proceed to sentence him accordingly; but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer

When the previous conviction is to be proved on the trial.

Coinage (Offences) Act.

directly to such question, the jury shall then be charged to enquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last-mentioned inquiry: provided that if, upon the trial of any person for any subsequent offence, such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

33. Whenever any person shall be convicted of any indictable misdemeanour punishable under this Act the court may if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, and being of good behaviour; and in case of any felony punishable under this Act, the court may if it shall think fit require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized: provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Fine and sureties for keeping the peace, in what cases.

34. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in any prison.

Hard labour.

35. Whenever solitary confinement may be awarded for any offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

Solitary confinement.

1868---5.

An Act to consolidate and amend the law of this Island relating to offences against the Person.

[17 February 1868.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

1. This Act may be cited as the Offences against the Person Act 1868.

Short title.

*Offences against the Person Act.**Homicide.*

- Murder.** 2. Whosoever shall be convicted of murder shall suffer death as a felon.
- Sentence for murder.** 3. Upon every conviction for murder the court shall pronounce sentence of death, and the same may be carried into execution, and all other proceedings upon such sentence and in respect thereof may be had and taken, in the same manner in all respects as sentence of death might have been pronounced and carried into execution, and all proceedings thereupon and in respect thereof might have been had and taken before the passing of this Act, upon a conviction for any other felony for which the prisoner might have been sentenced to suffer death as a felon.
- Manslaughter.** 4. Whosoever shall be convicted of manslaughter shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour, or to pay such fine as the court shall award in addition to or without any discretionary punishment as aforesaid.
- Indictment for murder or manslaughter.** 5. In any indictment for murder or manslaughter, or for being an accessory to any murder or manslaughter, it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient in any indictment for murder to charge that the defendant did feloniously, wilfully, and of his malice aforethought kill and murder the deceased; and it shall be sufficient in any indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased; and it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be) in the manner hereinbefore specified, and then to charge the defendant as an accessory in the manner heretofore used and accustomed.
- Excusable homicide.** 6. No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune or in his own defence, or in any other manner without felony.
- Petit treason.** 7. Every offence which before the sixth of September, one thousand eight hundred and thirty four would have amounted to petit treason, shall be deemed to be murder only, and no greater offence; and all persons guilty in respect thereof whether as principals or as accessories shall be dealt with, indicted, tried, and punished as principals and accessories in murder.

Offences against the Person Act.

8. Where any person being feloniously stricken, poisoned or otherwise hurt upon the sea, or at any place out of this Island, shall die of such stroke, poisoning, or hurt in this Island, or being feloniously stricken, poisoned, or otherwise hurt at any place in this Island, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of this Island, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in this Island in the same manner in all respects as if such offence had been wholly committed in this Island.

Provision for the trial of murder and manslaughter where the death, or cause thereof, happens out of the Island.

Attempts to Murder.

9. Whosoever shall administer to or cause to be administered to or to be taken by any person any poison or other destructive thing or shall by any means whatsoever wound or cause any grievous bodily harm to any person, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Administering poison or wounding with intent to murder.

10. Whosoever by the explosion of gunpowder or other explosive substance shall destroy or damage any building with intent to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Destroying or damaging a building with gunpowder with intent to murder.

11. Whosoever shall set fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein, or shall cast away or destroy any ship or vessel with intent in any of such cases to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Setting fire to or casting away a ship with intent to murder.

Offences against the Person Act.

Attempting to administer poison, or shooting or attempting to shoot or drown, &c., with intent to murder.

12. Whosoever shall attempt to administer to, or shall attempt to cause to be administered to, or to be taken by, any person, any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit murder, shall whether any bodily injury be effected or not be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

By any other means attempting to commit murder.

13. Whosoever shall by any means other than those specified in any of the preceding sections of this Act attempt to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Letters threatening to murder.

Sending letters threatening to murder.

14. Whosoever shall maliciously send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Acts causing or tending to cause danger to life or bodily harm.

Impeding a person endeavouring to save himself from shipwreck.

15. Whosoever shall unlawfully and maliciously prevent or impede any person, being on board of or having quitted any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, in his endeavour to save his life, or shall unlawfully and maliciously prevent or impede any person in his endeavour to save the life of any such person as in this section first aforesaid, shall be guilty of

Offences against the Person Act.

felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

16. Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause any grievous bodily harm to any person, or shoot at any person, or, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, with intent in any of the cases aforesaid to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Shooting or attempting to shoot or wounding with intent to do grievous bodily harm.

17. Any gun, pistol, or other arms which shall be loaded in the barrel with gunpowder or any other explosive substance, and ball, shot, slug, or other destructive material, shall be deemed to be loaded arms within the meaning of this Act, although the attempt to discharge the same may fail from want of proper priming, or from any other cause.

What shall constitute loaded arms.

18. Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Inflicting bodily injury, with or without weapon.

19. Whosoever shall by any means whatsoever attempt to choke, suffocate, or strangle any other person, or shall by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Attempting to choke &c., in order to commit any indictable offence.

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Whipping may be awarded in addition to punishment awarded under preceding section.

20. Where any person is convicted of a crime under the last preceding section mentioned, the court before whom he is convicted may in addition to the punishment awarded by the said section, or any part thereof, direct that the offender, if a male, be once, twice, or thrice privately whipped, subject to the following provisions:—

Proviso.

(1.) That in the case of an offender whose age does not exceed sixteen years, the number of strokes at each such whipping shall not exceed twelve, and the instrument used shall be a birch or tamarind rod.

Proviso.

(2.) That in the case of any other male offender the number of strokes shall not exceed twenty-four at each such whipping.

Proviso.

(3.) That in each case the court in its sentence shall specify the number of strokes to be inflicted and the instrument to be used: provided that in no case shall such whipping take place after the expiration of six months from the passing of the sentence.

Using chloroform, &c., to commit any indictable offence.

21. Whosoever shall unlawfully apply or administer to, or cause to be taken by, or attempt to apply or administer to, or attempt to cause to be administered to or taken by, any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Maliciously administering poison, &c., so as to endanger life or inflict grievous bodily harm.

22. Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Maliciously administering poison, &c., with intent to injure, aggrieve,

23. Whosoever shall unlawfully and maliciously administer to, or cause to be administered to or taken by any other person, any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person,

Offences against the Person Act.

shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

or annoy any other person.

24. If upon the trial of any person for any felony in the last but one preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanour in the last preceding section mentioned, then and in every such case the jury may acquit the accused of such felony, and find him guilty of such misdemeanour, and thereupon he shall be liable to be punished in the same manner as if convicted upon any indictment for such misdemeanour.

If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanour, they may find him guilty accordingly.

25. Whosoever being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily harm to any such apprentice or servant so that the life of such apprentice or servant shall be endangered, or the health of such apprentice or servant shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Not providing apprentices or servants with food &c., whereby life endangered.

26. Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Exposing children whereby life endangered.

27. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to, any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Causing bodily injury by gunpowder.

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Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person with intent to do grievous bodily harm.

28. Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person, any explosive substance, or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon or otherwise apply to any person, any corrosive fluid, or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Placing gunpowder near a building or ship with intent to do bodily injury to any person.

29. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, ship, or vessel, any gunpowder or other explosive substance, with intent to do any bodily injury to any person, shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuring persons by furious driving.

30. Whosoever having the charge of any carriage or vehicle shall, by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assault.

Obstructing a clergyman or other minister in the discharge of his duties.

31. Whosoever shall by threats or force, obstruct or prevent, or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating divine service, or otherwise officiating in any church, chapel, meeting house, or other place of divine worship, or in or from the performance of his duty in the lawful burial-ground of the dead in

Offences against the Person Act.

any churchyard or other burial place, or shall strike or offer any violence to, or shall upon any civil process or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

32. Whosoever shall assault and strike or wound any Magistrate, officer, or other person whatsoever lawfully authorized in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods, or effects, wrecked, stranded, or cast on shore, or lying under or floating on the water, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaulting a
Magistrate &c.,
on account of
his preserving
wreck.

33. Whosoever shall assault any person with intent to commit felony, or shall assault, resist, or wilfully obstruct any peace officer in the due execution of his duty, or any person acting in aid of such officer, or shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaulting any
person with
intent to commit
felony, or
assaulting peace
officers.

34. Whosoever shall beat or use any violence or threat of violence to any person, with intent to deter or hinder him from buying selling or otherwise disposing of, or to compel him to buy, sell, or otherwise dispose of, any corn or other grain, flour, meal, or potatoes or other roots, in any market or other place, or shall beat or use any such violence or threat to any person having the care or charge of any corn or other grain, flour, meal, or potatoes or other roots, whilst on the way to or from any market or other place, with intent to stop the conveyance of the same, shall on conviction thereof before a Police Magistrate be liable to be imprisoned and kept to hard labour for any term not exceeding three months: provided that no person who shall be punished for any such offence by virtue of this section shall be

Assault with
intent to
obstruct the sale
of corn or other
grain, or its free
passage.

Offences against the Person Act.

punished for the same offence by virtue of any other law whatsoever.

Assaults arising from combination.

35. Whosoever in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture, or respecting any person concerned or employed therein, shall unlawfully assault any person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Persons committing any common assault or battery may be imprisoned, or compelled to pay fine and costs not exceeding 5*l*.

36. Where any person shall unlawfully assault or beat any other person, a Police Magistrate upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall upon conviction thereof before him, at the discretion of the said Police Magistrate, either be committed to prison, there to be imprisoned, with or without hard labour, for any term not exceeding two months, or shall forfeit and pay such fine as shall appear to him to be meet, not exceeding together with costs (if ordered) the sum of five pounds; and if such fine as shall be so awarded together with the costs (if ordered) shall not be paid either immediately after the conviction, or within such period as the said Police Magistrate shall at the time of the conviction appoint, he may commit the offender to prison there to be imprisoned, with or without hard labour for any term not exceeding two months, unless such fine and costs be sooner paid.

Persons convicted of aggravated assaults on boys, under 14 years of age, and females, may be imprisoned or fined.

37. Where any person shall be charged before a Police Magistrate with an assault or battery upon any male child, whose age shall not in the opinion of such Police Magistrate exceed fourteen years, or upon any female, either upon the complaint of the party aggrieved or otherwise, the said Police Magistrate, if the assault or battery is of such an aggravated nature that it cannot in his opinion be sufficiently punished under the provisions hereinbefore contained as to common assault and batteries, may proceed to hear and determine the same in a summary way, and if the same be proved may convict the person accused; and every such offender shall be liable to be imprisoned, with or without hard labour, for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of twenty pounds, and in default of payment, to be imprisoned for any period not exceeding six months, unless such fine and costs be sooner paid, and, if the Police Magistrate shall so think fit in any of the said cases, shall be bound

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to keep the peace and be of good behaviour for any period not exceeding six months from the expiration of such sentence.

38. If the Police Magistrate upon the hearing of any such case of assault or battery upon the merits, where the complaint was preferred by or on behalf of the party aggrieved under either of the last two preceding sections, shall deem the offence not to be proved, or shall find the assault or battery to be justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, he shall forthwith make out a certificate under his hand stating the fact of such dismissal and shall deliver such certificate to the party against whom the complaint was preferred.

If the Magistrate dismiss the complaint, he shall make out a certificate to that effect.

39. If any person against whom any such complaint as in either of the last three preceding sections mentioned shall have been preferred by or on behalf of the party aggrieved shall have obtained such certificate, or having been convicted shall have paid the whole amount adjudged to be paid, or shall have suffered the imprisonment or imprisonment with hard labour awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

Certificate of conviction shall be a bar to any other proceedings.

40. In case the Police Magistrate shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, he shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same; provided that nothing herein contained shall authorize any Police Magistrate to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any court of justice.

Magistrate finding the assault fit subject for a prosecution by indictment.

Proviso in case a question of title shall arise.

41. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted upon an indictment for a common assault shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour.

Assault occasioning bodily harm.

Common assault.

Offences against the Person Act.

Protection of women and girls.

Rape.

42. Whosoever shall be convicted of the crime of rape shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Indecent assault upon any female.

43. Whosoever shall be convicted of any indecent assault upon any female shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years with or without hard labour.

Abduction of a woman against her will, from motives of lucre.

44. Where any woman of any age shall have any interest, whether legal or equitable, present or future, absolute conditional or contingent, in any real or personal estate, or shall be a presumptive heiress or co-heiress, or presumptive next of kin, or one of the presumptive next of kin, to any one having such interest, whosoever shall from motives of lucre take away, or detain such woman against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person; and whosoever shall fraudulently allure, take away, or detain such woman, being under the age of twenty-one years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour: and whosoever shall be convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she shall have any such interest, or which shall come to her as such heiress, co-heiress, or next of kin as aforesaid; and if any such marriage as aforesaid shall have taken place, such property shall upon such conviction be settled in such manner as the Court of Chancery in this Island shall upon any information at the suit of the Attorney General appoint.

Fraudulent abduction of a girl under age against the will of her father, &c.

Offender incapable of taking any of her property.

Forcible abduction of any woman with intent to marry her, &c.

45. Whosoever shall by force take away or detain against her will any woman of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty

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of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

46. Any person who—

(1.) procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connexion, either within or without the Island, with any other person or persons, or Procuration.

(2.) procures or attempts to procure any woman or girl to become, either within or without the Island, a common prostitute; or

(3.) procures or attempts to procure any woman or girl to leave the Island with intent that she may become an inmate of a brothel elsewhere; or

(4.) procures or attempts to procure any woman or girl to leave her usual place of abode in the Island (such place not being a brothel), with intent that she may for the purposes of prostitution become an inmate of a brothel within or without the Island;

shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused.

47. Any person who—

(1.) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connexion, either within or without the Island; or Procuring defilement of women by threats or fraud or administering drugs.

(2.) by false pretences or false representations procures any woman or girl, not being a common prostitute, or of known immoral character, to have any unlawful carnal connexion, either within or without the Island; or

(3.) applies, administers to, or causes to be taken by any woman or girl any drug, matter, or

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thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connexion with such woman or girl,

shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

Defilement of
girl under 13
years of a. e.

48. (1.) Any person who unlawfully and carnally knows any girl under the age of thirteen years, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and should such girl be under the age of ten years, such person shall be liable, at the discretion of the court, in addition to the above-mentioned penalties, to be once, twice, or thrice, privately whipped, but subject to the provisions with regard to whipping contained in section twenty of this Act.

(2.) Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and should such girl be under the age of ten years, such person shall be liable, at the discretion of the court, in addition to the above-mentioned penalties, to be once, twice, or thrice privately whipped, but subject to the provisions with regard to whipping contained in section twenty of this Act.

(3.) Where upon the hearing of a charge under this section the girl, in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court or magistrate understand the nature of an oath, the evidence of such girl or other child of tender years may be received though not given upon oath if, in the opinion of the court or magistrate, as the case may be, such girl or other child of tender years is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; provided that

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no person shall be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution shall be corroborated by some other material evidence in support thereof implicating the accused : provided also that any witness whose evidence has been admitted under this section shall be liable to indictment and punishment for perjury in all respects as if he or she had been sworn.

49. Whereas doubts have been entertained whether a man who induces a married woman to permit him to have connexion with her by personating her husband is or is not guilty of a rape, it is hereby enacted and declared that every such offender shall be deemed to be guilty of rape. Connection obtained by personating a husband declared rape.

50. Any person who—

(1.) unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any girl being of or above the age of thirteen years and under the age of fourteen years ; or Defilement of girl between 13 and 14 years of age, and of idiot or imbecile.

(2.) unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile,

shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

51. Any person who, being the owner or occupier of any premises, or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, Householder &c., permitting defilement of young girl on his premises.

(1.) shall, if such girl is under the age of thirteen years, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour ; and

(2.) shall, if such girl is of or above the age of thirteen and under the age of fourteen years, be guilty of a mis-

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deemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Abduction of
girl under 16.

52. Whosoever shall unlawfully take or cause to be taken any unmarried girl being under the age of sixteen years out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

Unlawful deten-
tion with intent
to have carnal
knowledge.

53. Any person who detains any woman or girl against her will,

(1.) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally, or

(2.) in any brothel,

shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connexion, or in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises, or in such brothel, if, with intent to compel or induce her to remain in or upon such premises, or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings whether civil or criminal shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Offences against the Person Act.

54. If upon the trial of any indictment for rape, or any offence made felony by section forty-eight of this Act, the jury shall be satisfied that the defendant is guilty of an offence under section forty-seven, forty-eight forty-nine or fifty of this Act, or of an indecent assault, but are not satisfied that the defendant is guilty of the felony charged in such indictment, or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of such felony, and find him guilty of such offence as aforesaid, or of an indecent assault, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such offence as aforesaid, or for the misdemeanour of indecent assault.

Power on indictment for rape to convict of certain misdemeanours.

55. If it appears to any Police Magistrate, on information made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who in the opinion of the Police Magistrate, is bona fide acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such Magistrate, such Magistrate may issue a warrant authorizing any person named therein to search for, and when found, to take to and detain in a place of safety such woman or girl until she can be brought before a Police Magistrate; and the Magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

Power of search.

The Magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a Magistrate, and proceedings to be taken for punishing such person according to law.

A woman or a girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purposes of being unlawfully and carnally known by any man, whether any particular man or generally, and—

- (a) Either is under the age of fourteen years; or
- (b) If of or over the age of fourteen years, and under the age of sixteen years, is so detained against her will, or against the will of her father or mother or of any other person having the lawful care or charge of her; or
- (c) If of or above the age of sixteen years is so detained against her will.

Offences against the Person Act.

Any person authorized by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place specified in such warrant, and may remove such woman or girl therefrom.

Provided always that every warrant issued under this section shall be addressed to and executed by some officer of police who shall be accompanied by the parent, relative, or guardian, or other person making the information, if such person so desire, unless the Magistrate shall otherwise direct.

Outrages on
decency.

56. Any male person who in public or private commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Custody of girls
under 16.

57. Where on the trial of any offence under this Act it is proved to the satisfaction of the court that the seduction or prostitution of a girl under the age of sixteen has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the court to divest such father, mother, guardian, master, or mistress, of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of twenty-one, or any age below this as the court may direct, and the Vice-Chancellor shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian, or in any other respect.

Child Stealing.

Child stealing.

58. (1) Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away, or detain any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child to whomsoever such article may belong, and whosoever shall with any such intent receive or harbour any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained as in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of

Offences against the Person Act.

the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping: provided that no person who shall have claimed any right to the possession of such child, or shall be the mother, or shall have claimed to be the father, of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

(2) If any person shall, with intent to send away any child under the age of fourteen years from this colony for the purpose of being employed in any other place, and without the knowledge of the parent or parents or the person having the care, charge, or custody of such child, send or carry away, or cause and procure to be sent or carried away from this colony, any such child, every such offender and every person counselling, aiding, or abetting such offender, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years. Sending child out of colony.

Bigamy.

59. Whosoever being married shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in this Island or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and any such offence may be dealt with, inquired of, tried, determined, and punished in this Island in the same manner in all respects as if the offence had been actually committed in this Island; provided that nothing in this section contained shall extend to any second marriage contracted elsewhere than in this Island by any other than a subject of Her Majesty, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction. Bigamy.

Not to extend to second marriages in certain cases.

*Offences against the Person Act.**Attempts to procure abortion.*

Administering
drugs or using
instruments to
procure abor-
tion.

60. Every woman being with child who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Supplying or
procuring drugs
or instruments
to cause abor-
tion.

61. Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Concealing the birth of a child.

Concealing the
birth of a child.

62. If any woman shall be delivered of a child, every person who shall, by any secret disposition of the dead body of the said child whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour: provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall so appear in evidence, that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.

*Offences against the Person Act.**Unnatural offences.*

63. Whosoever shall be convicted of the abominable Sodomy and crime of buggery, committed either with mankind or with bestiality. any animal, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

64. Whosoever shall attempt to commit the said Attempt to com- abominable crime, or shall be guilty of any assault with mit an abomin- intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

65. Whenever upon the trial for any offence punish- Carnal know- able under this Act it may be necessary to prove carnal ledge defined. knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

Making gunpowder to commit offences.

66. Whosoever shall knowingly have in his possession, Having or mak- or make or manufacture, any gunpowder, explosive sub- ing gunpowder stance, or any dangerous or noxious thing, or any machine, &c., with intent engine, instrument, or thing, with intent by means thereof to commit any to commit, or for the purpose of enabling any other person felony against to commit, any of the felonies in this Act mentioned, shall this Act. be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Other matters.

67. Any constable or peace officer may take into cus- A person loiter- tody, without a warrant, any person whom he shall find ing at night and lying or loitering in any highway, yard, or other place suspected of fel- during the night, and whom he shall have good cause to ony may be suspect of having committed or being about to commit any apprehended.

Offences against the Person Act.

felony in this Act mentioned, and shall take such person as soon as reasonably may be before a Police Magistrate to be dealt with according to law.

Punishment of principals in the second degree, and accessories.

68. In the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except murder) shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour: and every accessory after the fact to murder shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour: and whosoever shall counsel, aid, or abet the commission of any indictable misdemeanour punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender.

Offences committed within the jurisdiction of the Admiralty.

69. All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England and shall be cognizable by the courts of this Island, shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in this Island, and may be dealt with, inquired of, tried, and determined in this Island in the same manner in all respects as if they had been actually committed in this Island; and in any indictment for any such offence or being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in this Island, and the offence shall be averred to have been committed on the high seas: provided that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces.

Hard labour.

70. Whenever imprisonment with or without hard labour may be awarded for any indictable offence under this Act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in any prison.

Solitary confinement and whipping.

71. Whenever solitary confinement may be awarded for any offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of any imprisonment, or of any imprisonment with hard labour, which the court may award, not exceeding one month at any one time, and not exceeding three

Offences against the Person Act.

months in any one year; and whenever whipping may be awarded for any offence under this Act, other than the offences mentioned in section nineteen, or the offence mentioned in section seventy-six, the court may sentence the offender to be once privately whipped, and the number of strokes shall not exceed twelve, and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

72. Whenever any person shall be convicted of any indictable misdemeanour punishable under this Act, the court may, if it shall think fit, in addition to or in lieu of any punishment by this Act authorized, fine the offender and require him to enter into his own recognizance, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act otherwise than with death, the court may, if it shall think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized. Provided that no person shall be imprisoned for not finding sureties under this clause for any period exceeding one year.

Fine and sureties for keeping the peace, in what cases.

73. No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari, into any of Her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

No conviction to be quashed, or commitment to be void, for want of form.

74. Where any person shall be convicted on any indictment of any assault, whether with or without battery and wounding, or either of them, such person may, if the court think fit, in addition to any sentence which the court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses, and such moderate allowance for the loss of time as the court shall, by affidavit or other inquiry and examination, ascertain to be reasonable; and unless the sum so awarded shall be sooner paid, the offender shall be imprisoned for any term the court shall award not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

On a conviction for assault, the court may order payment of prosecutor's actual costs by the defendant.

75. The court may, by warrant under hand and seal, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender; and

Such costs may be levied by distress.

Offences against the Person Act.

paid to the prosecutor, and the surplus, if any, arising from such sale, shall be paid to the owner : and in case such sum shall be so levied, the imprisonment awarded until payment of such sum shall thereupon cease.

Flogging.

Persons convicted of unlawful wounding as herein mentioned, shall, at discretion of court,

76. Where any person is convicted on indictment of any offence against the person wherein it is proved by the evidence adduced at the trial that the offender used a knife, razor, or any other sharp or pointed instrument whatsoever made of steel, iron, brass, or any metal whatsoever likely to do any grievous bodily harm, in addition to any punishment to which such person is now liable under this Act such offender shall be liable, at the discretion of the court, to the following punishment, namely ;

if a male, be whipped, and

(a.) if a male to be once, twice, or thrice privately whipped, but subject to the provisions with regard to whipping contained in section twenty of this Act, and

if a female, have her hair cut close, as herein provided.

(b.) if a female to have her hair cut close on being committed to prison and kept close while undergoing imprisonment and until discharged from prison ;

Proviso as to capital cases.

provided always that in any case where the person convicted is sentenced to undergo capital punishment, the additional punishment imposed under this Act shall not be inflicted.

An Act to authorize the Vestry of the parish of Saint Philip to raise a sum of money annually to be paid to the Rector for compensation for a portion of the Glebe land appropriated by the said Vestry as a burial ground.

[10 June 1868.]

Preamble.

WHEREAS by the Act of the 2nd May, 1866, entitled "An Act to authorize the Vestry of the parish of Saint Philip to appropriate one acre of the glebe land in order to enlarge the burial ground," reciting that the burial ground attached to the parish church of Saint Philip had become crowded, and it was necessary to enlarge the same, and that the present rector was willing that one acre of the glebe land should be appropriated for that purpose, the Vestry of the

1868—6.

Compensation (Rector of St. Philip's) Act.

parish of Saint Philip were thereby authorized to appropriate one acre of the glebe land of the said parish of Saint Philip for a burial ground, and the Rector and Vestry were to agree upon the value in money of the said land so to be appropriated and the amount agreed upon should, with the consent of the said Rector and his successors, be laid out in the purchase of other lands, for the use of the Rector and his successors, or with the like consent be invested at interest on real securities in this Island; and the said Vestry should from time to time with the like consent of the Rector and his successors have power to vary and transfer the same for other securities, and that the said Rector and his successors should be entitled to receive the interest thereof; and whereas in pursuance of the said recited Act, two roods and five perches of land or thereabouts belonging to the glebe has been laid off for a burial ground; and whereas it is deemed expedient that an annual rate shall be laid by the said Vestry to the amount of the interest of six per cent. on the appraised value of the land, to be paid to the said Rector and his successors, instead of being invested in the manner in the said recited Act mentioned: Be it therefore enacted by the Governor, Council, and General Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Compensation (Rector Short title. of St. Philip's) Act 1868.

2. The Vestry of the said parish of Saint Philip are hereby required to lay a rate annually to the amount of Rate to be laid annually to meet the interest of value of the land. the interest at six per cent. on the value of the said land, as appraised by a jury summoned by the Police Magistrate of the said parish, and to pay the same to the Rector of the said parish and his successors.

1868—7.

An Act for incorporating the Society called the Barbados Chamber of Commerce in the Island of Barbados, with limited liability.

[11 August 1868.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Barbados Chamber of Commerce (Incorporation) Act.

Short title.

1. This Act may be cited as the Barbados Chamber of Commerce (Incorporation) Act 1868.

Incorporation of the Barbados Chamber of Commerce.

2. The present and all future members of the society called the Barbados Chamber of Commerce shall be and they are hereby declared and adjudged to be one body politic and corporate by the name of the Barbados Chamber of Commerce, and by that name shall have perpetual succession, and shall and may sue and be sued in all courts and before all magistrates, justices, and others, in all manner of actions, suits, complaints, matters, and causes whatsoever, and shall and may have a common seal, and the same may vary and alter at their pleasure, and by the name aforesaid shall be in law capable of holding all such estate real and personal, as hath been already acquired by them, and of having, taking, and holding forever hereafter, other estates real and personal either by purchase, gift, devise or legacy, for the use and benefit of the said Barbados Chamber of Commerce; provided nevertheless, that such real estate shall not exceed in value the sum of ten thousand pounds.

Limitation of property.

Limited liability.

3. The funds as well as the real estate and effects of the Barbados Chamber of Commerce shall be alone subject and liable to any charge and demand against the Barbados Chamber of Commerce, and no subscriber to the capital of the society shall be liable for or charged with the payment of any debt or demand due from the society beyond the extent of the abovesaid funds, property, and effects of the society.

Rules of society, appointment of officers, management of funds, &c.,

4. The committee of management of the said the Barbados Chamber of Commerce shall have full power and authority to make and ordain, and from time to time to change, or repeal, or vary as may seem proper, rules and regulations, subject to the approval and ratification of the general body of members at a general meeting called for that purpose, for and concerning the nomination, election, suspension, removal, and expulsion of members and officers, and the management, collection, and disposal of the funds, moneys, or estate belonging to the said Barbados Chamber of Commerce, and for conducting and regulating the business affairs and concerns of the said Barbados Chamber of Commerce, and relative to any other matter or thing whatsoever which may in anywise concern the good government of the said Barbados Chamber of Commerce, and the same from time to time to change, repeal, or vary as may seem proper: provided always, that such rules and regulations be not in anywise repugnant or con-

Barbados Chamber of Commerce (Incorporation) Act.

contrary to Her Majesty's prerogative royal, or to the laws of and limits Great Britain or this Island, and that the same shall not operation of Act in any manner affect any other person or persons than to members. those who are or may become members of the said Barbados Chamber of Commerce, and it shall be lawful for the committee of management of the said Barbados Chamber of Commerce to fix and appoint in all or any of such bye-laws, ordinances, orders, rules, and regulations, all or any reasonable and adequate fines, forfeitures, and penalties, for the non-observance, non-performance, or breach thereof, for enforcing the due observance thereof.

5. All fines, forfeitures, and penalties to be incurred by virtue of any bye-law, ordinance, order, rule, or regulation to be made ordained and established as aforesaid, and all sums to become due to the said Barbados Chamber of Commerce from any of the members of the said Barbados Chamber of Commerce shall be sued for and recovered in a summary way before any Police Magistrate on the complaint of the treasurer or clerk of the Barbados Chamber of Commerce, and every Police Magistrate is hereby authorised and required to take cognizance thereof accordingly, and all fines, forfeitures, and penalties when received, or the overplus thereof after deducting necessary charges, shall be paid into the hands of the treasurer of the said Barbados Chamber of Commerce for the time being, for the use of the said Barbados Chamber of Commerce.

Recovery of fines &c., under the Act.
Disposal of fines &c.

1869—1.

An Act to prevent spirituous or fermented liquors being brought on board Her Majesty's ships.

[15 April 1869.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

1. This Act may be cited as the Aid to Naval Discip- Short title.
line Act 1869.

2. It shall not be lawful for any person to bring on Spirituous board any of Her Majesty's ships or vessels, when in any port liquors not to be or harbour of this Island, any spirituous or fermented liquor introduced on of any description, without the previous consent of the board Her officer commanding the ship or vessel on board of which the Majesty's ships same may be brought, and it shall be lawful for any officer without consent of captain.

Aid to Naval Discipline Act.

Right of search.	in Her Majesty's service, or warrant or petty officer of the navy, or non-commissioned officer of the marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching, or which may have hovered about or approached, any of Her Majesty's ships or vessels, when in any of the ports or harbours of this Island, and if any spirituous or fermented liquor be found on board such boat or vessel, to seize such spirituous or fermented liquor, and the same shall be forfeited to Her Majesty: and if any person shall bring any spirituous or fermented liquor on board any of Her Majesty's ships or vessels without such previous consent as aforesaid, or shall approach or hover about any of Her Majesty's ships or vessels when in any of the ports or harbours of this Island for the purpose of bringing any spirituous or fermented liquor on board the same without such previous consent, or for the purpose of giving or selling without such previous consent spirituous or fermented liquor to men in Her Majesty's service, or of aiding or assisting any officer, seaman, or marine in Her Majesty's service to desert or improperly absent himself from his ship or vessel, every such person shall forfeit and pay to Her Majesty, her heirs and successors, a penalty not exceeding ten pounds for every such act or offence, to be recovered before any Police Magistrate in a summary manner, a moiety of such penalty to be to the use of the informer, and the other moiety to be paid into the Public Treasury for the uses of the Island; and it shall be lawful for any officer in Her Majesty's service, or any such warrant or petty officer, or non-commissioned officer as aforesaid, or any constable or peace officer, to apprehend or cause to be apprehended any such offender or persons so acting, and to bring such offender or cause such offender to be brought before a Police Magistrate to be dealt with under this Act.
Fermented liquor may be seized and forfeited.	
Aiding deserter.	
Penalty 10 <i>l</i> recoverable by summary process.	
Apprehension of offenders against this Act.	

An Act to amend the law relating to Promissory Oaths.

[5 August 1870.]

Preamble.

WHEREAS it is expedient to amend the law relating to Promissory Oaths: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

Promissory Oaths Act.

1. This Act may be cited as the Promissory Oaths Short title.
Act 1870.

Oath of Allegiance, Official, and Judicial Oaths.

2. The oath in this Act referred to as the Oath of Form of oath of Allegiance shall be in the form following, that is to say— allegiance

“ I do swear that I will be faithful, and bear true allegiance, to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.”

3. The oath in this Act referred to as the Official Oath and of official shall be in the form following, that is to say— oath

“ I do swear that I will well and truly serve Her Majesty Queen Victoria in the office of so help me God.”

4. The oath in this Act referred to as the Judicial Oath and of judicial shall be in the form following, that is to say— oath.

“ I do swear that I will well and truly serve Her Majesty Queen Victoria in the office of and I will do right to all manner of people after the laws and usages of this Island, without fear or favour, affection or ill-will. So help me God.”

5. The Oath of Allegiance, the Official Oath, and the Judicial Oath are to be administered by the Governor, or by such person as may be appointed by the Governor to administer them either generally or in any particular case. By whom oath of allegiance official oath and judicial oath are to be administered.

6. The Oath of Allegiance and Judicial Oath shall be taken by each of the following officers as soon as may be after his acceptance of office, that is to say, the Chief Judge, the Judges of the Assistant Court of Appeal, the Judges of the Petty Debt Courts, Police Magistrates, and Justices of the Peace. To whom oath of allegiance and judicial oath are to be tendered.

7. If any officer declines or neglects, when any oath required to be taken by him under this Act is duly tendered, to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same, be disqualified from entering on the same, but no person shall be compelled in respect of the same appointment to the same office to take such oath or such affirmation as hereinafter mentioned more times than one. Penalty on neglecting to take oaths.

Promissory Oaths Act.

Oath of Allegiance to be taken by members of Legislative Council and by members of Assembly.

8. The form of the Oath of Allegiance provided by this Act shall be taken by the members of the Legislative Council, and by the members of the House of Assembly, before taking their seats, instead of the oath now taken by them.

9. In addition to the Oath of Allegiance the following oath shall be taken by all members of the Executive Council:—

Oath for Executive Councillors.

“I as a member of the Privy Council of this Island, do swear that I will to the best of my judgment, at all times when thereto required, freely give my counsel and advice as a Privy Councillor to the Governor, Lieutenant-Governor, or officer administering the government of this Island for the time being, for the good management of the public affairs of the Island; that I will not directly or indirectly reveal such matters as shall be debated or discussed in Privy Council, and committed to my secrecy, but that I will in all things be a true and faithful Privy Councillor. So help me God.”

Miscellaneous provisions as to oaths.

Aliens to take Oath of Allegiance.

10. The form of the Oath of Allegiance prescribed by this Act shall be substituted for the form of the Oath of Allegiance required to be taken by aliens previously to the passing of this Act.

Substitution of name of Sovereign from time to time.

11. Where in any oath under this Act the name of Her present Majesty is expressed, the name of the Sovereign of the United Kingdom of Great Britain and Ireland for the time being shall be substituted from time to time.

In what cases affirmation may be substituted for oath.

12. When an oath is required to be taken under this Act, every person for the time being by law permitted to make solemn affirmation or declaration instead of taking an oath may, instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words, “solemnly, sincerely, and truly declare and affirm” for the word “swear,” and omitting the words “So help me God.”

Substitution of declaration for oath.

Substitution of declaration for oath.

13. Where in any case not otherwise provided for by this Act an oath is required to be taken by any person on or as a condition of his accepting any employment or office, a declaration shall be substituted for such oath to the like effect in all respects as such oath. The making a declara-

1870—1.

Promissory Oaths Act.

tion in pursuance of this clause instead of oath shall in all respects have the same effect as the taking the oath, for which such declaration is substituted, would have had if this Act had not passed.

14. If any person required by this Act to make a declaration instead of an oath declines or neglects to make such declaration, he shall be subject to the same penalties and disabilities, if any, as he would have been subjected to for declining or neglecting to take the oath for which the declaration provided by this Act is substituted. Penalty in default of declaration.

15. All other promissory oaths hitherto taken, or required to be taken, in reference to the discharge of the duties of their offices by the several parties mentioned in this Act, shall be and the same are hereby abolished. Abolition of former forms of promissory oaths.

1873 --1.

An Act to authorize Henry Edward Thorne, of the city of Bridgetown, to drive piles and fill in on the sea-side of a spot of land adjoining Marshall's Hall, and to erect a jetty in the sea.

[4 July 1873.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

1. This Act may be cited as Thorne's Jetty Act 1873. Short title.

2. Henry Edward Thorne may drive piles and fill in on the sea-side of a spot of land adjoining Marshall's Hall, and erect a jetty in the sea, and from time to time repair or alter the same ; which land when so made shall be to and for the sole use and benefit of the said Henry Edward Thorne his heirs and assigns ; provided always that the said Henry Edward Thorne shall, on receiving three months' notice in writing at any time from the Colonial Secretary, remove the said piles and filling in at his own cost ; and in the event of the said Henry Edward Thorne neglecting to remove the piles and filling in at the expiration of such notice, the Governor-in-Executive Committee shall cause the same to be removed at the cost of the said Henry Edward Thorne, and they are hereby authorized to recover such costs before a Police Magistrate in a summary manner. Permission to drive piles, &c.
Ownership.
Proviso as to removal of piles, &c., on three months' notice.

1874—1.

Synagogue Property (Exemption from Taxation) Act.

1874—1.

An Act to exempt the members of the Jewish persuasion from Parochial Taxes in respect of ownership, and other taxes payable by them on property now belonging to the Synagogue.

[18 February, 1874.]

Preamble.

WHEREAS the Warden of the Hebrew community in this Island has, by his humble petition to the House of Assembly, set forth that the Hebrew community in this island have invariably supported their own poor, thus avoiding any charge on the parochial funds for that purpose: that with the exception of such contribution as they are able to make from their private resources, the fabric of their Synagogue, and sundry matters in connection therewith, are kept in order and maintained out of the funds arising from certain house-property belonging to the Synagogue, which is subject to an annual tax by the Vestry of Saint Michael's for parochial purposes, to the extent of £22, and pray to be relieved of such taxation, and it is deemed expedient to grant such prayer: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Synagogue Property (Exemption from Taxation) Act 1874.

Exempts house-property belonging to Synagogue from certain taxation.

2. From and after the passing of this Act, the house-property in the City of Bridgetown now belonging to the Synagogue shall be, and the same is hereby declared to be, free of taxation for parochial or other purposes by the Vestry of the parish of Saint Michael, in so far as regards any tax to be laid in respect of ownership of property, and the same shall be free also from police and highway taxes.

1874—2.

An Act for Incorporating the Barbados Branch of the Independent Order of Odd Fellows Manchester Unity, Friendly Society.

[20 October 1874.]

Preamble.

[See the Barbados Branch of

WHEREAS the above society have by their petition to the House of Assembly set forth that the objects of the above society are to raise a fund by entrance fees, subscriptions of

Manchester Unity (Oddfellows) Act.

members, fines, donations, and by interest on capital, for the Manchester
insuring a sum of money to be paid on the death of a mem- Unity Friendly
ber to the widow or children, or executors administrators Society (Amend-
or assigns, of such member, or for defraying the expenses of ment) Act 1901.]
the burial of a member, and also for insuring a sum of
money to be paid to a member on the death of his wife, for
the relief of members in sickness and old age, for providing
proper medicine and medical attendance for members, for
granting temporary assistance to the widows and children
of deceased members, for providing members with assistance
when travelling in search of employment, and for assisting
members in distressed circumstances; and that they are
desirous of obtaining an Act of the Legislature incorporat-
ing them for the better carrying out the objects of the
society, and have prayed that an Act may be passed for in-
corporating the society. And whereas it appearing that
such an institution will be a great advantage to the public
it is deemed expedient to encourage and promote the same
by incorporating the said society with such privileges and
immunities and subject to the restrictions and limitations
thereinafter contained. Be it therefore enacted by the Gov-
ernor, Council, and Assembly of this Island, and by the
authority of the same as follows:—

1. This Act may be cited as the Barbados Branch of Short title.
the Manchester Unity, Friendly Society (Odd Fellows) Act
1874.

2. The present and all future members of the society Incorporates so-
shall be and they are hereby declared and adjudged to be ciety.
one body politic and corporate by the name of the "Barba-
dos Branch of the Independent Order of Odd Fellows,
Manchester Unity, Friendly Society," and by that name
shall and may have perpetual succession, and shall and
may sue and be sued in all courts and before all Magistrates,
justices, and others, in all manner of actions, suits, com-
plaints, matters and causes whatsoever, and shall and may
have a common seal, and the same may vary and alter at
their pleasure, and by the name aforesaid shall be in law
capable of holding all such estates, real and personal, as have
been already acquired by them, and of having, taking, and
holding forever hereafter other estate, real and personal,
either by purchase, gift, devise, or legacy, for the use and
benefit of the said society, provided nevertheless that such
real estate shall not exceed in value the sum of five thous-
and pounds.

3. The funds as well as the real estate and effects of Limits liability
the society shall be alone subject and liable to any charge to funds, real

Manchester Unity (Oddfellows) Act.

estate, and effects of society.

and demand against the society, and no subscriber to the capital of the society shall be liable for or charged with the payment of any debt or demand due from or by the society beyond the extent of the abovesaid funds property and effects of the society.

Powers of committee of management.

4. The committee of management of the said society shall have full power and authority to make, ordain, establish, and put into execution any bye-laws, ordinances, orders, rules, and regulations for and concerning the nomination, election, suspension, removal, and expulsion of members and officers, and the management, collection, and disposal of the funds, moneys, or estates belonging to the said society, and for conducting and regulating the business affairs and concerns of the said society, and relative to any other matter or thing whatsoever, which may in anywise concern the good government of the said society, and the same from time to time to change, repeal, or vary, as may seem proper; provided always that no such bye-laws, ordinances, orders, rules, and regulations be in anywise repugnant or contrary to Her Majesty's prerogative royal or to the laws of Great Britain or this Island; and the same shall not in any manner affect any other person or persons but those who are or may become members of the said society. And it shall be lawful for the committee of management of the said society to fix and appoint all or any reasonable and adequate fines, forfeitures, and penalties for the non-observance, non-performance, or breach thereof, and for enforcing the due observance thereof.

Disposal of fines, forfeitures, and penalties.

5. All fines, forfeitures, and penalties to be incurred by virtue of any bye-law, ordinance, order, rule, or regulation to be made, ordained, and established as aforesaid, and all sums of money to become due to the said society from any of the members of the said society shall be sued for and recovered in a summary way before any Police Magistrate on the complaint of the secretary of the society, and every Police Magistrate is hereby authorized and required to take cognizance thereof accordingly; and all fines, forfeitures, and penalties when received, or the overplus thereof after deducting necessary charges shall be paid into the hands of the treasurer of the said society for the time being for the use of the said society.

In certain cases complaint may be laid before a Police Magistrate.

6. If any officer, member, or any person by false representation or imposition shall obtain possession of any moneys, securities, books, papers, or other effects of the society, or having the same in his possession shall withhold or misapply the same to purposes other than those expressed or

1874—2.

Manchester Unity (Oddfellows) Act.

directed in the general rules of the lodge bye-laws, he may upon complaint being made by the secretary of the said society, on behalf of the said society, be summoned before a Police Magistrate, who if he shall determine the complaint to be proved shall adjudge and order the defendant to deliver up all such moneys, securities, books, papers, or other effects, or to repay the amount of money so misapplied.

1874.—3.

An Act to incorporate the Barbados Samaritan Charitable Society.

[3 November, 1874.]

WHEREAS certain persons calling themselves members of the above society have by their humble petition set forth that the said society was established on the 15th September 1798, for the special purpose of affording relief to the poor and distressed, and for providing for their burial and also for the relief of its members in sickness, and providing for the burial of them, their wives and children at death; and are desirous of having themselves incorporated, the better to enable them to carry out their charitable design, and have prayed that an Act may be passed to incorporate the said society; and whereas it appearing that such an institution will be a great advantage to the poor of this Island, it is deemed expedient to encourage and promote the same by incorporating the said society with such privileges and immunities and subject to the restrictions and limitations hereinafter contained: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Barbados Samaritan Charitable Society Act 1874. Short title.

2. The present and all future members of the said society shall be and they are hereby declared and adjudged to be one body politic and corporate by the name of the Barbados Samaritan Charitable Society, and by that name shall and may have perpetual succession, and shall and may sue and be sued in all courts and before all Magistrates, Justices, and others, in all manner of actions, suits, complaints, matters and causes whatsoever, and shall and may have a common seal, and the same may vary and alter at their pleasure, and by the name aforesaid shall be in law capable Incorporation of society.
Secures perpetual succession.

Barbados Samaritan Charitable Society Act.

of holding all such estates real and personal as hath been already acquired by them, and of having, taking, and holding for ever hereafter other estate, real and personal, either by purchase or gift, devise or legacy, for the use and benefit of the said society; provided nevertheless that such real estate shall not exceed in value the sum of five thousand pounds.

Limiting liability.

3. The funds as well as the real estate and effects of the society shall be alone subject and liable to any charge and demand against the society, and no subscriber to the capital of the society shall be liable for or charged with the payment of any debt or demand due from or by the society beyond the extent of the abovesaid funds, property, and effects of the society.

Powers of the committee of management.

4. The committee of management of the said society shall have full power and authority to make, ordain, establish, and put into execution, any bye-laws, ordinances, orders, rules, and regulations for and concerning the nomination, election, suspension, removal, and expulsion of members and officers, and the management, collection, and disposal of the funds, moneys, or estates, belonging to the said society, and for conducting and regulating the business affairs and concerns of the said society, and relative to any other matter or thing whatsoever which may in anywise concern the good government of the said society, and the same from time to time to change, repeal, or vary as may seem proper; provided always that no such bye-laws, ordinances, orders, rules, and regulations be in anywise repugnant or contrary to Her Majesty's prerogative royal, or to the laws of Great Britain or this Island, and that the same shall not in any manner affect any other person or persons than those who are or may become members of the said society, and it shall be lawful for the committee of management of the said society to fix and appoint in all or any of such bye-laws, ordinances, orders, rules, and regulations, all or any reasonable and adequate fines, forfeitures, and penalties for the non-observance, non-performance, or breach thereof, and for enforcing the due observance thereof.

Proviso as to bye-laws &c.

Recovery of fines, penalties, &c.,

5. All fines, forfeitures, and penalties to be incurred by virtue of any bye-law, ordinance, order, rule, or regulation to be made, ordained, and established as aforesaid, and all sums to become due to the said society from any of the members of the said society shall be sued for and recovered in a summary way before any Police Magistrate on the complaint of the secretary of the society, and every Police Magistrate is hereby authorized and required to take cognizance there-

1874—3.

Barbados Samaritan Charitable Society Act.

of accordingly ; and all fines, forfeitures, and penalties, when received, or the overplus thereof, after deducting necessary Disposal of over-charges, shall be paid into the hands of the treasurer of the ^{plus.} said society for the time being for the use of the said society.

1875—1.

An Act to incorporate the Venerable and Ancient Samaritan Charitable Society.

[11 June 1875.]

WHEREAS William Henry Bartlette, President ; Edward F. Preamble. White, Benjamin Thompson, Vice-Presidents ; John Christopher Cordle, reader ; Aaron Christopher Kennedy, Henry Simmons, secretaries, Nathaniel Ferguson, treasurer ; William Henry Harding, deputy treasurer ; John James Howell, warden ; Nelson Pantou, chairman, and others, members of the said society have, under the name of "The Venerable and Ancient Samaritan Charitable Society," by their humble petition, set forth that the said society was established on the 15th of September, 1798, by persons of colour, for the purpose of aiding their poorer brethren in sickness and distress and interring them decently after death, and are desirous of having themselves incorporated, the better to enable them to carry out their charitable work, and have prayed that an Act may be passed to incorporate the said society ; and whereas it appearing that such an institution will be a great advantage to the poor of this Island, it is deemed expedient to encourage and promote the same by incorporating the said society with such privileges and immunities and subject to the restrictions and limitations hereinafter mentioned : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Venerable and Ancient Short title. Samaritan Society Act 1875.

2. The present and all future members of the said Incorporation of society shall be and they are hereby declared and adjudged ^{society.} to be one body politic and corporate by the name of "The Barbados Venerable and Ancient Samaritan Charitable Society," and by that name shall and may have perpetual succession, and shall and may have a common seal, and the Common seal. same may vary and alter at their pleasure.

*Venerable and Ancient Samaritan Society Act.***Existing rules.**

3. The rules which have been hitherto used by the members of the society for the good government of the same shall be deemed valid and in force until the same shall be altered or rescinded as hereinafter mentioned, and a transcript of the said rules shall be recorded in the Secretary's office of this Island within three months from the passing of this Act.

Trustees.

4. The president, chairman, reader, senior secretary, and treasurer, for the time being of the said society, or other the person who has custody of the moneys of the said society, shall be trustees of the said society within the meaning of this Act.

In whom all real and personal property of the society is vested.

5. All real and personal estate whatsoever belonging to the said society or hereafter to belong to the said society either by purchase or gift, and which they are hereby declared capable of holding, shall be vested in such trustee or trustees for the time being for the use and benefit of this society and the members thereof, and the real and personal estate of any branch of the said society shall be vested in the said trustees appointed under this Act for the benefit of the said branch, and be under the control of such trustee or trustees, their respective executors or administrators, according to their respective claim and interests, and upon the death or removal of any such trustee or trustees, the same shall vest in the succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts without any conveyance or assignment whatsoever; and in all actions or suits or indictments or summary proceedings before Magistrates, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee in his or their proper name or names, as trustees of such society without any further description: provided nevertheless that the real estate of such society shall not exceed in value the sum of five thousand pounds.

Powers of trustees.

6. The trustee or trustees of the society are hereby authorized to bring or defend or cause to be brought or defended any action, suit, or prosecution, in any court of law or equity, touching or concerning the property, right, or claim to property of the society, for which he or they are such trustee or trustees as aforesaid, and such trustee or trustees shall and may in all cases concerning the real or personal property of such society sue and be sued, plead and be impleaded, in any court of law or equity in his or their proper name or names as trustee or trustees of this society

Venerable and Ancient Samaritan Society Act.

without other description, and no such action, suit, or prosecution shall be discontinued or abate by the death of such person or his removal from the office of trustee, but the same shall and may be proceeded in by or against the succeeding trustee or trustees as if such death or removal had not taken place: and such succeeding trustee or trustees shall pay or receive the like costs as if the action or suit or prosecution had been commenced in his or their name or names for the benefit of or to be reimbursed from the funds of such society.

7. Provided nevertheless that no trustee or trustees of any such society shall be liable to make good any deficiency which may arise or happen in the funds of such society, but shall be liable only for the moneys which shall be actually received by him on account of such society. Limits liabilities of trustees.

8. The treasurer of this society and every treasurer hereafter appointed or any other officer who is required by the rules to give security shall, immediately on the passing of this Act, become bound with one sufficient surety in a bond according to the form set forth at the foot of this Act, in such penal sum as the society or the committee of management shall direct and appoint, conditioned for the just and faithful execution of his said office of treasurer, and for rendering a just and due account of all moneys received or paid by him on account of the said society, at such times as the rules of the said society shall direct and appoint, and at such times as he shall be required so to do by the trustee or trustees of this society, or by a majority of the said committee of management, or by a majority of the members present at any meeting of such society, and every such bond shall be given to the president of the said society for the time being, and if the same shall at any time become forfeited it shall be lawful for such president for the time being to sue upon such bond for the said society. Treasurer and his securities and accounts.

9. Every such treasurer or other officer, whether appointed before or after the passing of this Act, at such times as by the rules of such society he should render such account as aforesaid, or upon being required so to do by the trustee or trustees of this society, or by a majority of the said committee of management, or by a majority of the members present at a meeting of the said society as aforesaid, within seven days after such requisition, shall render to the trustee or trustees of the society, or to the said committee of management, or to the members of such society at a meeting of the society, a just and due account of all moneys received and paid by him since he last rendered the Duties of treasurer.

Venerable and Ancient Samaritan Society Act.

- Audit.** like account, and of the balance then remaining in his hands, and of all bonds or securities of such society, which account the said trustee or trustees, or committee of management, shall cause to be audited by some fit and proper person or persons by them to be appointed, and such treasurer, if thereunto required upon the said account being audited, shall forthwith hand over to such trustee or trustees the balance which on such audit shall appear to be due from him, and shall also, if required, hand over to such trustee or trustees all securities and effects, books, papers, and property of the said society in his hands or custody, and if he fail to do so the trustee or trustees of the said society may sue upon the bond aforesaid, or may sue the treasurer in the Petty Debt Court of Bridgetown, or in any of the superior courts of common law, or in any other court having jurisdiction, for the balance appearing to have been due from him upon the account last rendered by him, and for all the moneys since received by him on account of the said society, and for the securities and effects, books, papers, and property in his hands or custody, leaving him to set off in such actions the sums, if any, which he may have since paid on account of the said society; and in such actions the said trustee or trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.
- Penalty.**

Rules to be recorded in the Colonial Secretary's office.

10. After the rules of the society shall have been recorded in the Secretary's office of this Island as herein provided, it shall be lawful for the said society by resolution at a meeting specially called for that purpose to alter, amend, or rescind the same or any of them, or to make new rules, provided always that a copy of the proposed alterations or amendments and of such new rules, signed by five members of the society and the secretary or other officer, shall be transmitted to and recorded in the Secretary's office of this Island; and all rules, alterations, and amendments, when so signed and recorded as aforesaid, shall be binding on the several members of the society and all persons claiming on account of a member or under the said rules, but unless and until the same shall be so signed and recorded as aforesaid such rules, alterations, and amendments shall have no force or validity whatsoever.

Penalty on giving false copies of rules.

11. If any person shall give to any member of the society, or to any person intending or applying to become a member of the society, a copy of any rules, or of any alterations or amendments of the same, other than those which have been signed and recorded as aforesaid, under colour that the same are binding on the members of the society, or

Venerable and Ancient Samaritan Society Act.

shall make alterations in or additions to any of the rules or tables of the society after they shall have been respectively signed and recorded as aforesaid, and shall circulate the same purporting that they have been duly signed and recorded under this Act, when they have not been so duly signed and recorded, every person so offending shall be guilty of a misdemeanour.

12. All rules and tables of this society, and all alterations and amendments thereof, and all copies thereof, or extracts therefrom, and all writings and documents relating to the society, and purporting to be signed and recorded as aforesaid, shall in the absence of any evidence to the contrary, be received in all courts of law and equity and elsewhere without proof of the signature or signatures thereto. Evidence with regard to rules, &c.

13. The trustee or trustees of the society shall from time to time with the consent of the committee of management of the society, or of a majority of the members of the society present at a general or special meeting thereof, or in accordance with the rules of the society, invest the funds of the society or any part thereof to any amount in the Savings Bank of this Island, or in such other security as the rules of the society may direct, not being the purchase of house or land (save and except the purchase of buildings wherein to hold meetings, or transact the business of the society as hereinbefore mentioned), and not being the purchase of shares in any joint stock company or other company with or without charter of incorporation and not being personal security. Investment of funds.

14. The trustees of the society may out of the funds thereof subscribe to any hospital, infirmary, charitable, or other provident institution, such annual or other sum as may be agreed upon by the committee of management, or by a majority of the members at a meeting called for that purpose, in consideration of any member of the society, his wife, child, or other person nominated, being eligible to receive the benefits of such hospital or other institution according to the rules thereof. Subscription to hospitals, infirmaries, &c.

15. Every dispute between any member or members of the society or any person claiming through or under a member or under the rules of the society and the trustee, treasurer, or other officer, or the committee thereof, shall be decided in the manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal. Disputes between members.

Venerable and Ancient Samaritan Society Act.

FORM OF BOND.

Form of treasurer's bond.

Know all men by these presents that A.B. of treasurer, &c., (as the case may be) of the Venerable Samaritan Charitable Society, established in this Island, and C.D. of (as surety on behalf of the said A.B.) are jointly and severally held and firmly bound to E.F. of G.H. of and I.J., &c., trustees of the said society in the sum of to be paid to the said E.F. and G.H. and I.J., as such trustees or their successors, trustees for the time being, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves and each of us by himself our and each of our heirs, executors, administrators, by these presents. Sealed with our seals. Dated this day of A.D.

Whereas the above bounden A.B. hath been duly appointed treasurer, &c., (as the case may be) of the Venerable Ancient Samaritan Charitable Society, established as aforesaid, and he together with the above bounden C.D. as his surety has entered into the above written bond subject to the condition hereinafter contained: Now therefore the condition of the above written bond is such that if the said A.B. shall and do justly and faithfully execute his office of treasurer, &c., (as the case may be) of the said society established as aforesaid, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of, or belonging to the said society, in his hands or custody, to such person or persons as the said society shall appoint according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and fully and faithfully perform and fulfil his office of treasurer &c., (as the case may be) to the said society, according to the rules thereof, then the above written bond shall be void and of no effect: otherwise shall be and remain in full force and virtue.

1878—1.

Ancient Order of Foresters Friendly Society Act.

1878—1.

An Act for incorporating "The Barbados Windward and Leeward District Court and its Branches of the Ancient Order of Foresters Friendly Society."

[18 June 1878.]

WHEREAS the above society have by their petition to the House of Assembly set forth that the objects of the above society are to raise a fund by entrance fees, subscriptions of members, fines, donations, and by interest on capital, for insuring a sum of money to be paid on the death of a member to the widow, or children, or executors administrators or assigns of such member, or for defraying the expenses of the burial of a member, and also for ensuring a sum of money to be paid to a member on the death of his wife, for the relief of members in sickness and old age, for providing proper medicine and medical attendance for members, for granting temporary assistance to the widows and children of deceased members, for providing members with assistance when travelling in search of employment, and for assisting members in distressed circumstances, and that they are desirous of obtaining an Act of the Legislature incorporating them for the better carrying out the objects of the society; and whereas it appearing that such an institution will be a great advantage to the public, it is deemed expedient to encourage and promote the same by incorporating the said society with such privileges and immunities, and subject to the restrictions and limitations, hereinafter contained: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.
[See the Western Star and Saint Michael's Diamond (Incorporation) Act 1908]

1. This Act may be cited as the Ancient Order of Foresters Friendly Society Act 1878.

2. The present and all future members of the society shall be and they are hereby declared and adjudged to be one body politic and corporate by the name of "The Barbados Windward and Leeward District Court and its Branches of the Ancient Order of Foresters Friendly Society," and by that name shall and may have perpetual succession, and shall and may sue and may be sued in all courts of law and equity, and before all Magistrates, Justices, and others, in all manner of actions, suits, complaints, matters and causes whatsoever; and shall and may have a common seal, and the same may vary and alter at

Name of the society.

Ancient Order of Foresters Friendly Society Act.

their pleasure, and by the name aforesaid shall be in law capable of holding all such estates, real and personal, as have been already acquired by them; and of having, taking, and holding for ever hereafter other estate, real and personal, either by purchase, gift, devise, or legacy, for the use and benefit of the said society: provided nevertheless that such real estate shall not exceed in value the sum of five thousand pounds sterling.

The funds of the society are alone liable to charges against the society.

3. The funds as well as the real estate and effects of the society shall be alone subject and liable to any charge and demand against the society, and no subscribers to the capital of the society shall be liable for or charged with the payment of any debt or demand due from or by the society, beyond the extent of the abovesaid funds, property, and effects of the society.

Powers of the committee of management.

4. The committee of management of the said society shall have full power and authority to make, ordain, establish, and put into execution any bye-laws, ordinances, rules, and regulations for and concerning the nomination, election, suspension, removal, and expulsion of members and officers, and the management, collection, and disposal of the funds, moneys, or estates belonging to the said society, and for conducting and regulating the business affairs and concerns of the said society, and relative to any other matter or thing whatsoever, which may in any wise concern the good government of the said society; and the same from time to time to change, repeal, or vary as may seem proper: provided always that no such bye-laws, ordinances, orders, rules and regulations be in any wise repugnant or contrary to Her Majesty's prerogative royal, or to the laws of Great Britain or this Island, and the same shall not in any manner affect any other person or persons but those who are or may become members of the said society; and it shall be lawful for the committee of management of the said society to fix and appoint all or any reasonable and adequate fines, forfeitures, and penalties for the non-observance, non-performance, or breach thereof, and for enforcing the due observance thereof.

Proviso.

Recovery of fines &c.

5. All fines, forfeitures, and penalties to be incurred by virtue of any bye-law, ordinance, order, rule, or regulation to be made, ordained, and established as aforesaid, and all sums of money to become due to the said society from any members of the said society, shall be sued for and recovered in a summary way before any Police Magistrate of this Island on the complaint of the chief ranger of the society,

Ancient Order of Foresters Friendly Society Act.

and all and every the Police Magistrates of this Island are hereby authorised and required to take cognizance thereof accordingly, and all fines, forfeitures, and penalties when received, or the overplus thereof after deducting necessary charges, shall be paid into the hands of the treasurer of the said society for the time being for the use of the said society.

Custody of money received for fines.

6. If any person with intent to mislead or defraud gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are the existing rules of this society, the person so offending shall be deemed guilty of a misdemeanour.

Any person circulating fraudulent rules shall be deemed guilty of a misdemeanour.

7. Any member or person having an interest in the funds of the society shall be at liberty to inspect the books at all reasonable hours at the registered office of the society or at any place where the same are kept, except that no such member or person, unless he be an officer of the society, or be specially authorised by a resolution of the society to do so, shall have the right to inspect the loan account of any other member without the written consent of such member, and such member or person shall and may take copies of or extracts from the said books or any part or parts thereof; and in case the person or persons in whose custody such books shall remain shall, on any reasonable demand, refuse to permit, or shall not permit such member or person to inspect the said books, or to take such copies or extracts as aforesaid, such person or persons in whose custody such book or books shall be, shall forfeit and pay to the party aggrieved any sum not exceeding five pounds for every such offence, the same to be recovered before any Police Magistrate for the parish in which such offender resides in a summary manner on the complaint of the party aggrieved.

Inspection of the books by any member of the society.

8. When any person being or having been a trustee of the society, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such society transferable at the Colonial Bank or Savings Bank, or any other security whatsoever, is standing either jointly with another or others or solely, is absent from the Island, or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or refuses in any way to act in pursuance of his trust; or if it be unknown whether such person is living or dead, the Chief Judge of the Court of Common

Trustees of the society refusing to act.

Ancient Order of Foresters Friendly Society Act.

Pleas for Barbados on application by petition from the chief ranger and three members of the society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society, and such transfer shall be made by the surviving or continuing trustees ; and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the Chief Judge so direct, then by the manager of the Colonial Bank or Savings Bank and all other persons entitled to make such transfer as the case may be, and the directors of the Colonial Bank and Savings Bank and all other persons as aforesaid respectively are hereby indemnified, for anything done by them or any of their officers in pursuance of this provision, against any claim or demand of any person injuriously affected thereby.

Society to have a preferential claim on estate of a deceased officer or bankrupt for money or property belonging to the society.

9. Upon the death or bankruptcy or insolvency of any officer of the society having in his possession by virtue of his office any money or property belonging to the society, or if any execution, attachment, or other process be issued, or action or distress raised against such officer, or against his property his heirs executors or administrators, the trustees or Official Assignee in bankruptcy or insolvency or the Provost Marshal or other person executing such process, or the party issuing such action or distress respectively, shall upon demand in writing of the trustees of the society, or any two of them, or any person authorised by the society, or by the committee of management of the same, to make such demand, pay such money and deliver over such property to the trustees of the society in preference to any other debts or claims against the estate of such officer.

The property of the society vested in trustees for the time being.

10. All property belonging to the society, whether already acquired or hereafter to be acquired, shall vest in the trustees for the time being of the society for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society, and the property of any branch of the society shall vest in the trustees of such branch, or in the trustees of the society, if the rules of the society so provide, for the use and benefit either of the members of such branch and persons claiming through such members, or of the members of the society generally, and persons claiming through them according to the rules of the society.

Treasurer to give security in

11. The treasurer of this society and every treasurer hereafter appointed, or any other officer who is required

Ancient Order of Foresters Friendly Society Act.

by the rules to give security, shall immediately on the passing of this Act become bound with one sufficient surety in a bond according to the form set forth at the foot of this Act, in such penal sum as the society or the committee of management shall direct and appoint, conditioned for the just and faithful execution of his said office of treasurer, and for rendering a just and due account of all moneys received or paid by him, on account of the said society at such time as the rules of the said society shall direct and appoint, and at such times as he shall be required so to do, by the trustees or trustee of this society or by a majority of the said committee of management, or by a majority of the members present at any meeting of such society; and every such bond shall be given to the chief ranger of the said society for the time being, and if the same shall at any time become forfeited, it shall be lawful for the chief ranger for the time being to sue upon such bond for the said society.

12. Every such treasurer or other officer whether appointed before or after the passing of this Act, at such times as by the rules of such society he should render such account as aforesaid, or upon being required so to do by the trustee or trustees of this society, or by a majority of the said committee of management or by a majority of the members present at a meeting of the said society as aforesaid, within seven days after such requisition, shall render to the trustee or trustees of the society or to the said committee of management, or to the members of such society at a meeting of the society, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all funds or securities of such society, which account the said trustee or trustees or committee of management shall cause to be audited by some fit and proper person or persons by them to be appointed, and such treasurer if thereunto required, upon the said account being audited, shall forthwith hand over to the said trustee or trustees the balance which on such audit shall appear to be due from him and shall also, if required, hand over to such trustee or trustees all securities and effects, books, papers, and property of the said society in his hands or custody; and if he fail to do so the trustee or trustees of the said society may sue upon the bond aforesaid, or may sue the treasurer in the Petty Debt Court of Bridgetown, or in any of the superior courts of common law, or in any other court having jurisdiction, for the balance appearing to have been due from him upon the account last rendered

such sum as the committee shall direct.

Treasurer to render accounts of all moneys received and paid.

Trustees shall cause accounts to be audited.

Ancient Order of Foresters Friendly Society Act.

by him, and for all the moneys since received by him on account of the said society, and for the securities and effects, books, papers, and property, in his hands or custody, leaving him to set off in such actions the sums, if any, which he may have since paid on account of the said society ; and in such actions the said trustee or trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.

Rules of the society to be recorded in the Colonial Secretary's office.

13. After the rules of the society shall have been recorded in the Secretary's office of this Island as herein provided, it shall be lawful for the said society by resolution at a meeting specially called for that purpose, to alter, amend, or rescind the same or any of them, or to make new rules ; provided always that a copy of the proposed alterations or amendments, and of such new rules, signed by five members of the society and the secretary or other officer, shall be transmitted to and recorded in the Secretary's office of this Island ; and all rules, alterations, and amendments, when so signed and recorded as aforesaid, shall be binding on the several members of the society, and all persons claiming on account of a member, or under the said rules, but unless and until the same shall be so signed and recorded as aforesaid such rules, alterations and amendments shall have no force or validity whatsoever.

The rules recorded shall be evidence in courts of law without proof of signature.

14. All rules and tables of this society, and all alterations and amendments thereof, and all copies thereof or extracts therefrom, and all writings and documents relating to the society and purporting to be signed and recorded as aforesaid, shall in the absence of any evidence to the contrary be received in all courts of law and equity and elsewhere, without proof of the signature or signatures thereto.

Investment of funds.

15. The trustee or trustees of the society shall from time to time with the consent of the committee of management of the society or of a majority of the members of the society present at a general or special meeting thereof, or in accordance with the rules of the society, invest the funds of the society or any part thereof, to any amount in the Colonial Bank, or Savings Bank of this Island, or on such other security as the rules of the society may direct, not being the purchase of house or land (save and except the purchase of buildings wherein to hold the meetings or transact the business of the society as hereinbefore mentioned) and not being the purchase of shares in any joint stock company or other company with or without charter of incorporation, and not being personal security.

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16. The trustees of the society may out of the funds thereof subscribe to any hospital, infirmary, charitable, or other provident institution, such annual or other sum as may be agreed upon by the committee of management or by a majority of the members at a meeting called for that purpose, in consideration of any member of the society, his wife, child, or other person nominated by the society, being eligible to receive the benefits of such hospital or other institution according to the rules thereof. Subscriptions to charitable institutions.

17. Every dispute between any member or members of the society, or any person claiming through or under a member or under the rules of the society, and the trustees, treasurer or other officer, or the committee thereof, shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal. Disputes between members to be decided in the manner directed by the rules.

18. If any officer, member, or any person by false representations or impositions shall obtain possession of any money, securities, books, papers or other effects of this society, or having the same in his possession shall withhold, or misapply the same to purposes other than those expressed or directed in the general rules of the society's bye-laws, he may upon complaint being made by the secretary of the said society on behalf of the said society be summoned before a Police Magistrate who, if he shall determine the complaint to be proved, shall adjudge and order the defendant to deliver up all such moneys, securities, books, papers, or other effects, or to repay the amount of money so misapplied. Penalty misapplying money or property by officers of the society.

19. No person or persons shall open a court of Foresters Friendly Society in this Island having the same name as the society hereby incorporated, without the sanction of the Barbados Windward and Leeward District Court and its Branches, as an incorporated body of the Ancient Order of Foresters Friendly Society. No person shall open a court of Foresters Friendly Society without sanction of the society.

20. With respect to the duties and obligations of the members of the society which they owe to the high court of the said order, the following provision shall have effect:— Duties and obligations of members.
“nevertheless that nothing in this Act shall prevent the members of the district court and its branches from being under such control of the central body of the high court of the order acting by and through its executive council for the time being as provided by the general laws of the said order.”

Ancient Order of Foresters Friendly Society Act.

FORM OF BOND.

Know all men by these presents.

Bond.

That A.B., of _____ treasurer, &c., (as the case may be) of the Barbados Windward and Leeward District Court and its Branches of the Ancient Order of Foresters Friendly Society, (or as the case may be), established in this Island, and C.D., of _____ as surety on behalf of the said A.B., are jointly and severally held and firmly bound unto E.F., of _____ G.H., of _____ and I.J., of _____ &c., trustees of the said society in the sum of £ _____ to be paid to the said E.F., G.H., and I.J., as such trustees or their successors, trustees for the time being or their certain attorney, for which payment well and truly to be made, we jointly and severally bind ourselves and each of us by himself, our and each of our heirs executors and administrators by these presents. Sealed with our seals. Dated this _____ day of _____ A.D. 18 _____

Whereas the above bounden A.B., hath been duly appointed treasurer &c., (as the case may be) of the Barbados Windward and Leeward District Court and its Branches (as the case may be) of the Ancient Order of Foresters Friendly Society, established as aforesaid, and he together with the above bounden C.D. as his surety has entered into the above written bond, subject to the condition hereinafter contained.

Condition of bond.

Now therefore the condition of the above written bond is such that if the said A.B., shall and do justly and faithfully execute his office of treasurer, &c., (as the case may be) of the said society established as aforesaid, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and transfer or deliver all securities and effects, books, papers, and property of or belonging to the said society in his hands or custody, to such person or persons as the said society shall appoint, according to the rules of the said society, together with the proper and legal receipts or vouchers for such payments, and likewise shall and do in all respects well and fully and faithfully perform and fulfil his office of treasurer &c., (as the case may be) to the said society according to the rules thereof, then the above written bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

1878—2.

Barbados Extradition Act.

1878—2.

An Act to provide for the more convenient administration of the Extradition Acts, 1870 and 1873.

[17 August 1878.]

WHEREAS by the Act of the Imperial Parliament known as the Extradition Act 1870 it is amongst other things enacted that the said Act when applied by Order in Council shall, unless it is otherwise provided by such Order, extend to every British possession, and that the said Act should apply with regard to certain Foreign States with which certain treaties had been made in the same way as if an Order in Council referring to such treaties had been made, but with the following among other modifications, namely :—No warrant of a Secretary-of-State shall be required, and all power vested in, or acts authorised or required to be done under the said Act by the Police Magistrates and the Secretary-of-State or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone; and any prison in the British possession may be substituted for a prison in Middlesex. And whereas by the said Act it is also enacted that :—if by any law or ordinance made before or after the passing of the said Act by the Legislature of any British possession, provision is made for carrying into effect, within such possession, the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Act in the case of any Foreign State or by any subsequent Order, either suspend the operation within any such British possession of the said Act or any part thereof, so far as it relates to such Foreign State and so long as such law or ordinance continues in force there and no longer, or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations as if it were part of the said Act: and whereas by another Act of the Imperial Parliament known as the Extradition Act of 1873 it is enacted that the said Act shall be construed as one with the Extradition Act 1870, and that the said two Acts may be cited together as the Extradition Acts 1870 and 1873. And whereas it is expedient to provide for the more convenient administration within this Island of the Extradition Acts 1870 and 1873, by conferring on the Police Magistrates of this Island the like powers and authorities in relation to the surrender of fugitive criminals as are by the said Acts vested in Police Magistrates and Justices of the

[See the *Fugitive Offenders Act*, 1881 (44 & 45 Vict. c. 69) and the *Order in Council in the Official Gazette* of 7 February 1885.]

1878—2.

Barbados Extradition Act.

Peace in the United Kingdom: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Extradition Act of Barbados, 1878.

Powers vested by the Imperial Extradition Acts in Magistrates and Justices of the Peace of the United Kingdom are hereby vested in any resident Police Magistrate of this Island.

2. All powers vested in, and acts authorised or required to be done by, a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under the Extradition Acts 1870 and 1873, are hereby vested in and may in this Island be exercised and done by any resident Police Magistrate in relation to the surrender of fugitive criminals under the said Acts.

1878—3.

An Act to amend the law relating to Dower.

[25 November 1878.]

WHEREAS it is deemed expedient to amend the law relating to dower in this Island: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Dower Act, 1878.

Definition.

2. The word hereinafter mentioned, which in its ordinary signification has a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "land" shall extend to messuages and all other hereditaments, whether corporeal or incorporeal, (except such as are not liable to dower) and to any share thereof.

Widows to be entitled to dower out of equitable estates.

3. When a husband shall die beneficially entitled to any land for an interest which shall not entitle his widow to dower out of the same at law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an estate of inheritance in possession, or equal to an estate of inheritance in possession, (other than an estate in joint-tenancy) then his widow shall be entitled in equity to dower out of the same land.

Dower Act.

4. When a husband shall have been entitled to right of entry or action in any land, and his widow would be entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same, although her husband shall not have recovered possession thereof: provided that such dower be sued for or obtained within the period during which such right of entry or action might be enforced. Seisin shall not be necessary to give title to dower.

5. No widow shall be entitled to dower out of any land which shall have been absolutely disposed of by her husband in his lifetime, or by his will. No dower out of estate disposed of.

6. All partial estates and interests, and all charges created by any disposition or will of a husband, and all debts, incumbrances, contracts, and engagements, to which his land shall be subject or liable, shall be valid and effectual as against the right of his widow to dower. Priority of partial estates and specialty debts.

7. A widow shall not be entitled to dower out of any land of her husband when in the deed by which such land was conveyed to him, or by any deed executed by him, it shall be declared that his widow shall not be entitled to dower out of such land. Dower may be barred by a declaration in a deed

8. A widow shall not be entitled to dower out of any land of which her husband shall die wholly or partially intestate when by the will of her husband, duly executed for the devise of freehold estates, he shall declare his intention that she shall not be entitled to dower out of such land or out of any of his land. or by a declaration in the husband's will.

9. The right of a widow to dower shall be subject to any conditions, restrictions, or directions, which shall be declared by the will of her husband, duly executed as aforesaid. Dower shall be subject to restrictions.

10. Where a husband shall devise any land out of which his widow would be entitled to dower if the same were not so devised, or any estate or interest therein, to or for the benefit of his widow, such widow shall not be entitled to dower out of or in any land of her said husband, unless a contrary intention shall be declared by his will. Devise of real estate to the widow shall bar her dower.

11. No gift or bequest made by any husband to or for the benefit of his widow, of or out of his personal estate, or of or out of any of his land not liable to dower, shall defeat or prejudice her right to dower, unless a contrary intention shall be declared by his will. Bequest of personal estate to the widow shall not bar her dower.

Dower Act.

Agreement not to bar dower may be enforced.

12. Nothing in this Act contained shall prevent any court of equity from enforcing any covenant or agreement entered into by or on the part of any husband not to bar the right of his widow to dower out of his lands, or any of them.

Legacies in bar of dower still entitled to preference.

13. Nothing in this Act contained shall interfere with any rule of equity or of any ecclesiastical court, by which legacies bequeathed to widows in satisfaction of dower are entitled to priority over other legacies.

Certain dowers abolished.

14. No widow shall hereafter be entitled to dower *ad ostium ecclesiae*, or dower *ex assensu patris*.

Act not to take effect before the 1st January 1879.

15. This Act shall not extend to the dower of any widow who shall have been or shall be married on or before the first day of January, one thousand eight hundred and seventy nine, and shall not give to any will, deed, contract, engagement, or charge executed, entered into, or created before the first day of January, one thousand eight hundred and seventy nine, the effect of defeating or prejudicing any right to dower.

Writ of right of dower and writ of dower *unde nihil habet* abolished.

16. No writ of right of dower or writ of dower *unde nihil habet* shall be brought in any court after the commencement of this Act, but where any such writ would now lie, an action may be commenced in the Court of Common Pleas in the same manner as an ordinary action, and in such action the plaintiff shall declare in dower.

Declaration and all proceedings thereupon to be same as in ordinary actions.

17. The service of the declaration, appearance of the defendant, proceedings in default of appearance, pleadings, judgment, execution, and all other proceedings and costs upon such action shall be subject to the same rules and practice, as nearly as may be, as the proceedings in an ordinary action.

 1879—1.

An Act to provide for the holding of Investigations in cases of Fire.

[4 September 1879]

Preamble.

WHEREAS it is of frequent occurrence that fires take place in different parts of this Island, causing destruction of property; and whereas the causes of such fires are frequently unknown and undiscovered; and whereas there are no means provided by law for making enquiries into the causes

Fire Enquiry Act.

of fires which so take place; and whereas it is advisable that provision be made for enquiring into the cause or causes of any fire or fires that may hereafter take place: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Fire Enquiry Act Short title.
1879.

2. Whenever any fire shall take place in any part of this Island, it shall be the duty of the officer or constable of police to whom such fire shall first become known to repair himself or to send some other member of the police force forthwith to the spot where such fire shall have occurred, and the officer or constable who shall so repair to the spot, after performing such services as he may be required to perform in the due execution of his duty as an officer or constable of police, shall make all due enquiry into the origin or cause of such fire.

Police officer or constable to repair to any fire and to make due enquiry into cause thereof.

3. Such officer or constable of police shall receive the statements of any person or persons who is or are able to give information respecting such fire.

To receive statements of any person able to give information.

4. Such officer or constable of police shall further, so soon after as he conveniently can, fill up or cause to be filled up the form given in schedule A to this Act, and shall attach thereto the substance of any information given to him as to the origin or cause of the fire.

To fill up soon after form A in schedule.

5. Such officer or constable of police shall so soon as convenient, but not later than twenty four hours from the time of his attending the fire, forward to the Inspector General of Police for transmission to the Police Magistrate of the parish in which such fire shall have taken place the form filled up by him under section four of this Act.

To forward form to Inspector General of Police for Police Magistrate's information.

6. The Police Magistrate to whom the said form shall have been transmitted shall, if he think fit, or if an information on oath is made to the effect that the informant has reasonable grounds for believing not only that the fire was unlawfully and maliciously set, but that he knows the person who set it, fix an early day for holding an investigation into the origin or cause of the fire so reported.

Holding enquiry

7. Such investigation may be held in the police court of the district in which the fire took place, or should the

Such enquiry can be held at

Fire Enquiry Act.

Police Magistrate's office, or where the fire occurred with consent of owner.

Magistrate see any sufficient ground for holding it where the fire occurred and consider it expedient so to do, it shall be lawful for him with the consent of the owner of or person in charge of such place to so hold it accordingly.

Police Magistrate to summon witnesses free of cost.

8. It shall be lawful for the Police Magistrate to issue summonses free of charge to any witnesses that he may deem proper to attend any such investigation at such place as the Police Magistrate may fix, any such summonses to be served in the same manner as are other summonses issuing from the Magistrates' courts, and any person disobeying any summons may be proceeded against in like manner and be subject to the like penalties as provided for in the Police Magistrates Act 1905, and the provisions of such Act generally which relate to indictable offences, shall, so far as is possible consistently with the provisions of this Act, apply to proceedings under this Act.

Summons governed by the Police Magistrates Act, 1905

Evidence on enquiry to be on oath.

9. All evidence given before a Police Magistrate in virtue of this Act whether given at the police court as aforesaid, or at any other place, shall be given upon oath, and shall be taken down by the Police Magistrate in the same manner as the depositions of witnesses on the preliminary investigation of indictable offences.

Police Magistrate to forward result of investigation to the Colonial Secretary.

10. The Police Magistrate shall at his earliest convenience after making such an investigation as aforesaid forward the proceedings or a certified copy thereof to the Colonial Secretary for the information of the Governor.

False witnesses liable to be indicted for perjury.

11. Any person giving false evidence at any investigation held under the provisions of this Act shall be deemed guilty of wilful and corrupt perjury and shall be liable to be proceeded against and punished accordingly.

Nothing to prevent any person being charged with cause of fire, nor is any person, except one charged with having set the fire, entitled to refuse to give evidence.

12. Nothing in this Act shall in any way prevent any person from at any time being charged with having caused any fire, nor shall anything in this Act entitle any person, save and except any person against whom a charge shall have been laid for having maliciously caused the fire about which the enquiry is held, to refuse to answer any question put by the Police Magistrate, as to the cause of such fire; but no statement or answer made by any person under this Act shall be admissible in evidence in any proceeding either civil or criminal against such person, save and except in any criminal proceeding for perjury committed under this Act.

1879—1.

Fire Enquiry Act.

SCHEDULE A.

FIRE REPORT FROM DISTRICT.

Name of parish	Name of estate or place where fire occurred.	Date of fire.	At what hour reported, and at what hour extinguished.	Description and amount of property destroyed, and supposed value thereof.	How many police present.	Whether supposed to be accidental or otherwise.	Any other remarks.

Signature of officer or constable of police.

1879—2.

An Act for the abolition of Imprisonment for Debt and for the punishment of Fraudulent Debtors.

[3 November 1879.]

WHEREAS it is expedient to abolish imprisonment for debt Preamble.
and to make provision for the punishment of fraudulent
debtors: Be it therefore enacted by the Governor, Council,
and Assembly of this Island, and by the authority of the
same, as follows:—

1. This Act may be cited as the Debtors Act 1879. Short title.

2. No person shall, after the commencement of this Act, be arrested or imprisoned for making default in pay- Abolition of im-
ment of any sum of money except in the following cases: prisonment for
debt with cer-
tain exceptions.

(1) Default in payment of a penalty or sum in the
nature of a penalty other than a penalty in respect of any
contract.

Debtors Act.

(2.) Default in payment of any sum recoverable summarily before a Police Magistrate.

(3.) Default by a trustee or person acting in a fiduciary capacity, and ordered to pay by the Court of Chancery any sum in his possession or under his control.

(4.) Default by an attorney or solicitor in payment of costs, when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the court making the order.

(5) Default in payment for the benefit of creditors of any portion of a salary or other income in respect of the payment of which the court having jurisdiction is authorised to make an order.

(6) Default in payment of sums in respect of the payment of which orders are in this Act authorized to be made.

Provided first, that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year; and secondly, that nothing in this section shall alter the effect of any judgment or order of any court for payment of money except as regards the arrest and imprisonment of the person making default in paying such money.

3. Subject to the provisions hereinafter mentioned, any court may commit to prison for a term not exceeding six weeks, unless within that time payment be made of the sum due, any person who makes or has made default in payment of any debt due from him in pursuance of any order or judgment of that or any other competent court which may have been given before the passing of this Act and still remains in force or which may hereafter be given.

4. The jurisdiction of committing a person to prison under this Act shall only be exercised (except where it is exercised in pursuance of the provisions of sections two, nine and ten of this Act) subject to the following restrictions that is to say :

(1) Be exercised only as respects a judgment of the superior courts of this Island by the Chief Justice, and by an order showing on its face the ground on which it is issued.

(2) Be exercised only as respects a judgment of a Petty Debt Court by a Petty Debt Court Judge in open court, and by an order showing on its face the ground on which it is issued.

Power of committal under certain circumstances.

How power to be exercised.

Debtors Act.

5. Such jurisdiction shall not be exercised if the court is satisfied that the person making default has not or has not had since the date of the order or judgment the means to pay the sum in respect of which he has made default, and has not refused or neglected and does not refuse or neglect to pay the same: provided that the onus of proving inability to have satisfied or to satisfy any order or judgment shall lie on the person who has made default in satisfying the same, and provided that such jurisdiction may be exercised if the court is satisfied that the person making default contracted the original debt for the payment of which any order or judgment shall have been made without, at the time of contracting such debt, having had any reasonable prospect of being able to satisfy the same.

When power not to be exercised.

6. Proof of the inability or ability of the person making default may be given in such manner as the court thinks just, and for the purpose of such proof the creditor and debtor and any witnesses may be summoned and examined on oath.

Proof of ability or inability to pay may be given as the court thinks just.

7. Any jurisdiction given to the superior courts under this Act, except under section two, may be exercised by the Chief Justice in open court or sitting in chambers.

Jurisdiction of superior court may be exercised by Chief Justice in open court or in chambers. Debt may be paid by instalments.

8. For the purposes of sections three and four of this Act any court may, in lieu of any immediate order of imprisonment, direct any debt due from any person in pursuance of any order or judgment of that or any other competent court to be paid by instalments, and may from time to time rescind or vary such order.

9. No person shall be imprisoned under sections three and four of this Act more than once as regards the same debt, when an order of imprisonment has been made for non-payment in one sum of the entire debt; but whenever an order shall be made that any debt be paid by instalments, it shall be lawful for the court or judge on the non-payment of any one or more of the instalments at the time ordered, to commit to prison for a term not exceeding one month, for the non-payment of any instalments then due, unless within that time payment be made of the instalment or instalments for the non-payment of which the order of commitment is issued.

Imprisonment for non-payment of any one instalment not to exceed one month.

10. It shall not be necessary on the non-payment of any instalment ordered to be paid by the court that the person failing to pay be again summoned before the court, but on an application by the judgment creditor, and on

Procedure to be taken when instalments not paid.

Debtors Act.

satisfactory proof by him that any instalment has not been paid, the court or judge may thereupon issue a warrant of commitment for non-payment of the same : provided that no such warrant of commitment shall be issued unless the court or judge is satisfied that the judgment debtor has received three clear days previous to such an application being made a written notice from the judgment creditor, according to the form prescribed by schedule B to this Act or as near thereto as possible, of the judgment creditor's intention to make such application, or that such notice shall, three clear days previous to such application, have been left at the last known place of abode of such judgment debtor ; and provided that proof of having posted such a notice in such a way that in the ordinary course of postage such notice would have reached the debtor three clear days previous to the application for the warrant being made, shall be considered *prima facie* proof that such notice duly reached the debtor.

Persons committed to prison under this or any other Act, may be committed to Glendairy or any other prison in the Island.

11. Persons committed to prison under this Act or under any other Act of this Island, notwithstanding any such other Act may specify any particular place of imprisonment, may be imprisoned in Glendairy prison or any other prison in this Island, and every order of committal issued by any court under this Act shall be issued, obeyed, and executed in the like manner as a writ of *capias ad satisfaciendum*.

Imprisonment under this Act not to operate as satisfaction of debt.

12. No imprisonment under sections three and four of this Act shall operate as a satisfaction or extinguishment of any debt or demand or cause of action, or deprive any person of any right to take out execution against the lands, goods, or chattels of the person imprisoned, in the same manner as if such imprisonment had not taken place.

Persons imprisoned under this Act to be released upon payment of debt and costs.

13. Any person imprisoned under sections three and four of this Act shall be discharged out of custody upon a certificate signed by the Chief Justice or a Petty Debt Court Judge, according as under whose order such person may be confined, to the effect that he has satisfied the debt or instalment of a debt in respect of which he was imprisoned, together with the prescribed costs (if any), or upon payment to the officer, constable, or gaoler in whose custody he may be, of the amount of the debt and costs appearing on the warrant of commitment as due by him, and for the non-payment of which he shall have been arrested, which amount such officer, constable, or gaoler shall transmit to the court from which the warrant of commitment issued.

Debtors Act.

14. After the commencement of this Act a person shall not be arrested upon mesne process in any action. Arrest upon mesne process abolished.

15. Where the plaintiff in any action of debt, or any other action where the damages are ascertained at any time before final judgment, proves on oath that he has good cause of action, and that the absence of the defendant from the Island will materially prejudice him in the prosecution of his action, or where the defendant after judgment gives notice of appeal, the plaintiff, if he proves by evidence on oath to the satisfaction of the Chief Justice, or Petty Debt Court Judge, or the Judges of the Assistant Court of Appeal that there is probable cause for believing that the defendant is about to quit this Island unless he be apprehended, the Chief Justice, or Petty Debt Court Judge, or the Judges of the Assistant Court of Appeal, as the case may be, may by an order under his or their hands order such defendant to be arrested and imprisoned for a period not exceeding six months unless and until he sooner gives security to be approved of by such Chief Justice, Petty Debt Court Judge, or Judges of the Assistant Court of Appeal, in a sum not exceeding the amount claimed and the probable costs of the action, or not exceeding the amount ordered to be paid and the probable cost of the appeal, as the case may be, that he the defendant will not go out of the Island without leave of the court; provided always that if any person or persons shall swear that there is probable cause for believing the defendant is about to leave the Island when such is not the case, such person or persons shall be liable to be prosecuted for perjury and to be punished accordingly, and shall be further liable, as shall also any person who may have in any way induced him or them to so swear falsely, to an action of damages at the suit of the party aggrieved. Power under certain circumstances to arrest defendant when about to leave the Island.

16. Where the action is for a penalty or sum in the nature of a penalty, other than a penalty in respect of any contract, it shall not be necessary to prove that the absence of the defendant from the Island will materially prejudice the plaintiff in the prosecution of his action, and the security given, instead of being that the defendant will not go out of the Island, shall be to the effect that any sum recovered against the defendant in the action shall be paid, or that the defendant shall be rendered to prison. When not material to prove that defendant's absence will materially prejudice the plaintiff.

17. Sequestration against the property of a debtor may, after the commencement of this Act, be issued by the Court of Chancery in this Island in the same manner as if such debtor had been actually arrested. Sequestration of debtor's property may be issued by Court of Chancery.

Debtors Act.

Court may hear cases ex-parte when summons has been duly served and defendant fails to appear.

18. Whenever a judgment debtor has been duly summoned to appear under the provisions of this Act, and does not appear within one hour of the time and at the place mentioned in the summons, and it shall appear to the court on oath that the summons was duly served a reasonable time before the time therein appointed for hearing, and no sufficient grounds shall be shown for an adjournment, the court may either proceed ex-parte to hear and determine the matter or adjourn the hearing to a future day.

Chief Justice and Petty Debt Court Judges may frame rules and regulations under this Act.

19. It shall be lawful for the Chief Justice to frame, alter, or amend rules and regulations for the better carrying out of the provisions of this Act, so far as the superior courts of this Island are concerned, and to appoint three Petty Debt Court Judges to frame, alter, or amend rules and regulations to the same effect so far as the Petty Debt courts are concerned; such rules and regulations when framed, altered, or amended to be approved of by the Chief Justice.

Rules and regulations to be laid before Legislature.

20. All general rules and regulations made under this Act shall be laid before the Legislative Council and the House of Assembly within forty days after the making thereof, if the Legislature is then sitting, or if not, within forty days after the commencement of the then next ensuing session, and if an address is presented to the Governor by either House of the Legislature within the next subsequent forty days on which the said House shall have sat, praying that any such rule or regulation may be annulled, the Governor may thereupon by order in Executive Committee annul the same, and the rule or regulation so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

Summons under Act to be according to schedule.

21. A summons to a judgment debtor to appear under the provisions of this Act shall be in the form prescribed by schedule A to this Act, or as near thereto as possible.

Scale of fees under Act.

22. The scale of fees for summonses issued under this Act, and any proceedings consequent thereon shall, so far as the superior courts of the Island are concerned, be fixed by the Chief Justice, but so far as the Petty Debt Courts of the Island are concerned the fees shall be in accordance with the scale laid down in schedule C to this Act.

How summonses to be served.

23. All summonses issued under this Act shall be served in the same manner as other summonses are now

Debtors Act.

Take Notice.

In the Court of	or Petty Debt Court of
A.B.	Judgment creditor.
C.D.	Judgment debtor.
To C.D.	
of	in parish of

Whereas by an order of the Court of
given on the day of 18
you were ordered and adjudged to pay me by certain in-
stalments the sum of £ s. d., portion of a judgment debt
owing to me by you; and whereas you did fail on the
 day of to pay me the sum of £ s. d.,
being an instalment (or instalments) of the said debt
ordered to be then paid by you. Now I do hereby give
you notice that it is my intention to apply on the day
of 18 under section ten of the Debtors Act
1879, for a warrant of commitment against you for having
failed to pay such instalment (or instalments) unless you do
before that date pay me such instalment (or instalments) or
unless you before that date show good cause to the Judge
why such warrant should not issue against you.

Dated this day of 18

Signed,

Judgment creditor.

For every judgment summons.....	1s.
For hearing.....	1s.
For executing within the jurisdiction.....	1s.
For executing out of the jurisdiction.....	2s.
For summoning each witness within the jurisdiction.....	1s.
For summoning each witness if out of the jurisdiction.....	2s.

1880—1.

Railway Company (Site for Station) Act.

1880—1.

An Act to vest certain Unoccupied Lands belonging to the Colony in the Barbados Railway Company, as a terminus to their line of railway.

[14 May 1880.]

WHEREAS the Barbados Railway Company have by their Preamble. humble petition represented to the Legislature of this Island that they are desirous of making the terminus of the line of their railway at a site near the Victoria Bridge in the central part of the city of Bridgetown, and that they consider that certain unoccupied lands belonging to the Government of this Island situate above the said bridge could be made available for the terminus, and have in their said petition set forth the advantages to the public to be derived from placing the terminus to the said railway on the said site; that, besides other advantages to the public, they the said company would not, if the site were granted to them for the purpose abovementioned, have occasion to interfere with the rights of private property for that purpose; and that they the said company believe that this site for the terminus would be most convenient for the public and for ordinary traffic, as it would also be for the work of the company themselves; and the said company have prayed that an Act may be passed granting the said lands to the company for the purpose of making the terminus of the said railway; and whereas it is deemed expedient to grant the prayer of the petition of the said Barbados Railway Company: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Railway Company Short title. (Site for Station) Act 1880.

2. All and every the lands particularly mentioned and described in the plot deposited in the Registration Office, marked with the letter "A" (containing by admeasurement three acres two roods and thirty three perches,) which plot is stated on the face thereof to have been prepared by Mr. A. G. Fowler the company's resident engineer, is dated the sixth day of April one thousand eight hundred and eighty, and is certified by Mr. J. W. Wilson, a sworn surveyor in this Island, shall be, and the same, together with all ways, passages, waters, rights, easements, privileges, and appurtenances belonging thereto, are hereby demised to the Barbados Railway Company, their successors and assigns, The lands shown in plot "A" deposited in Registration Office demised on certain conditions to the Barbados Railway Company for 500 years.

1880—1.

Railway Company (Site for Station) Act.

for and during the term of five hundred years, in consideration that the said company and their successors and assigns shall and they are hereby required during the continuance of the said term to pay to the Colonial Treasurer of this Island for the time being, for the uses of this Island, the annual rent of five shillings of lawful money of this Island if lawfully demanded, for the purpose of making a terminus for the line of the said railway thereon; provided always that in case the Barbados Railway Company shall after the construction of their works cease to use the said lands or any of them as a terminus for their line of railway, then the said term of years for which the said lands are hereby granted shall determine as to the said lands or so much thereof as they shall cease to use, as the case may be, and the said lands shall thereupon revert to the colony as if this Act had not been passed.

1880—2.

An Act to authorize the Vestry of the parish of Saint Michael in this Island to sell the building called "The Almshouse," in Constitution Road, and the building called "The Saint Mary's Asylum," both in the said parish of Saint Michael, with the land whereon the same respectively stand and thereto respectively belonging, and to purchase land in the same parish, and erect thereon a Central Almshouse for the use of the said parish.

[21 September 1880.]

Preamble.

[*See the Saint Michael's Central Almshouse (Amendment) Act 1884 and the Saint Michael's Central Almshouse (Amendment) Act 1885.*]

WHEREAS the Rector and Vestry of the parish of Saint Michael have by their humble petition to the Legislature of this Island set forth that for the accommodation and relief of the indigent, sick, and infirm of the said parish, there are, and have been for some time in the said parish, two almshouses, one called "The Almshouse," situate in Constitution Road, and the other called "The Saint Mary's Asylum" situate near the Public Market, and that the said "The Almshouse" and "The Saint Mary's Asylum" are totally unfit and insufficient for the purposes to which they are now put, and that it would be economical as well as advantageous for the said parish to have one large and commodious Central Almshouse for the relief and accommodation of the poor, sick, and infirm of the said parish, instead of the said two cramped and defective buildings now used for that purpose, and that they desire to abandon the said "The Almshouse"

Saint Michael's Parish Central Almshouse Act.

and "The Saint Mary's Asylum" and sell them and purchase a piece of land in some suitable and healthy locality in the said parish, sufficiently large to enable them to erect a spacious almshouse capable of meeting the requirements of the said parish; and that to purchase a piece of land and erect upon it a central almshouse of the necessary dimensions, and with the necessary improvements, it had been estimated that a sum of twelve thousand pounds would be required; and that it would be impossible to raise so large a sum all at once by laying rates on the taxpayers of the said parish, in addition to the rates annually laid for ordinary parochial purposes, and that therefore they proposed to take up, by way of loan on debentures, a sum not exceeding the sum of twelve thousand pounds, for the purposes aforesaid; and the Rector and Vestry of the said parish have in their said petition prayed that they may be authorized to sell the said "The Almshouse" and "The Saint Mary's Asylum," and with the proceeds to arise by such sale, and the moneys which they proposed to borrow in manner aforesaid, to purchase a piece of land in some convenient and healthy locality in the said parish and erect thereon one central almshouse for the uses of the said parish, and sufficiently large to accommodate the sick, poor, and infirm of the said parish, and that they may be authorized to take up by way of loan on debentures to be issued by them, a sum not exceeding twelve thousand pounds to be charged on the rates of the said parish, such debentures and such sum to be redeemed and repaid out of the rates of the said parish to be levied and collected each year by annual instalments; and whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Saint Michael's Parish Central Almshouse Act 1880.

2. The Vestry of the said parish of Saint Michael are hereby authorized to sell by public competition in separate lots, as they shall think best, for cash prices the building called "The Almshouse," in Constitution Road, and the out-buildings attached thereto and used therewith, together with the lands whereon the same stand and thereto belonging, hereditaments and appurtenances; and also the building called "The Saint Mary's Asylum," situate near the Public Market, and the out-buildings attached thereto and used therewith, together with the lands whereon the same stand and thereto belonging, hereditaments and appurte-

Short title.

[See the Saint Michael's Central Almshouse (Amendment)

Act 1885, authorizing Vestry to sell by private contract to the railway company]

Vestry of Saint Michael's may sell "The Almshouse" and "The Saint Mary's Asylum."

Saint Michael's Parish Central Almshouse Act.

Proviso. nances; but in submitting the said buildings, lands, and premises to competition it shall be competent for the said Vestry, and they are hereby authorized, to set up the same for sale at certain prices to be fixed by them, and to reserve to themselves the power of withdrawing any sale thereof respectively, if the upset price or prices cannot be obtained; provided nevertheless that the said Vestry shall not give less than thirty days' notice by advertisement to be published in the Official Gazette, and in such other manner as they shall think fit, of their intention to sell such buildings and lands; and on the completion of any such sale and purchase, the said Vestry shall give to the purchaser or purchasers of any of the buildings, lands, and premises respectively, certificates of the terms, particulars, and conditions (if any) of such sales and purchases, and immediately on the recording of such certificates in the Colonial Secretary's office of this Island, the said buildings, lands, and premises respectively, shall by virtue of this Act, and without any further conveyances or assurances, stand vested in the purchaser or purchasers of the said buildings, lands, and premises respectively, their, his or her heirs and assigns respectively for estates of inheritance in fee simple. [See marginal note.]

Application of money arising from sale.

3. The money arising from the sale of the said buildings, lands, and premises respectively, shall be used and applied by the said Vestry so far as the same will extend in the purchase of the land which the said Vestry are by this Act empowered to purchase in the manner hereinafter provided, or in defraying the cost of erecting the Central Almshouse and buildings which the said Vestry are by this Act authorized to construct on the land so to be purchased by them.

Vestry may purchase land for the erection of a central almshouse.

4. For the purpose of carrying out the contemplated erection of a large central almshouse for the uses of the parish of Saint Michael in the place of the said "The Almshouse" and "The Saint Mary's Asylum" the Vestry of the said parish are hereby empowered to purchase land (inclusive of any buildings which may happen to be on the same) in some convenient and healthy locality in the said parish, and have the same conveyed to them in such manner as to them may seem most advisable, in order that the said land may be duly secured for the uses of the said parish; and for the purpose of carrying out the purchase of a site for the erection of a central almshouse; and for the sale or exchange of any lands which the said Vestry may purchase for that purpose and not require, the said Vestry shall have and exercise the same powers for purchasing, selling, or ex-

Powers conferred on vestry for this purpose.

Saint Michael's Parish Central Almshouse Act.

changing the same, and the person or persons to whom the said lands may belong shall have the like remedies as are contained in the several Acts of this Island, passed on the eighth day of August one thousand eight hundred and forty-five, the twenty-seventh day of July one thousand eight hundred and forty-seven, and the fourteenth day of March one thousand eight hundred and sixty, for the improvement of the city of Bridgetown, to all intents and purposes as if the same were herein enacted.

5. The said Vestry are hereby empowered to construct on the land to be purchased by them as aforesaid a commodious central almshouse, with all necessary and proper out-offices, for the uses of the said parish, large enough to accommodate upwards of four hundred and fifty sick and infirm paupers of the said parish, and capable of further enlargement and extension, should the same become necessary.

Construction of central almshouse for Saint Michael's parish.

6. It shall be lawful for the Vestry of the said parish of Saint Michael, and they are hereby authorized to raise (as they shall from time to time require the same) upon debentures, to be issued in this Island as provided by this Act, any sum or sums not exceeding in the whole twelve thousand pounds sterling money, for and to be applied exclusively in the construction of the said central almshouse, and the purchase of such land or lands, materials, and other things as may be required for and in connection with the central almshouse. [See marginal note.]

[See the Saint Michael's Central Almshouse (Amendment) Act 1884, authorizing £6000 in addition to be raised.]

Vestry may raise £12,000 by debentures for construction of central almshouse.

7. Every debenture to be issued in this Island under this Act shall be for a sum of ten pounds or a sum of one hundred pounds sterling money to be charged and secured together with the interest thereon on the rates of the said parish of Saint Michael, and to bear interest at the rate of six pounds per cent. per annum payable half yearly in manner hereinafter provided, and such debentures may be placed in the market and disposed of by the said Vestry at any premium they may be able to obtain for the same.

Debentures to be charged on rates of St. Michael's parish.

8. All debentures to be issued under this Act shall be issued and signed on behalf of the Vestry of the said parish by the chairman, churchwarden, and senior member of the said Vestry in vestry assembled, and the money to be raised on such debentures shall be paid into or lodged in the Colonial Bank to the credit of an account to be called "The Saint Michael Central Almshouse account."

Debentures to be signed etc.

9. To every debenture there shall be attached at the time of the issue thereof coupons for the payment of the interest upon the principal sum secured by the debenture, to

Coupons to be attached to debentures.

Saint Michael's Parish Central Almshouse Act.

become due in each half year either during the whole period for which the debenture shall have to issue, or for such limited period as the Vestry may think fit.

Form of debentures and coupons.

10. Debentures and the coupons thereto may be in such form as the said Vestry may direct or approve.

Registration of debentures.

11. Every debenture shall before the same is issued be registered in register books to be kept for that purpose by the Parochial Treasurer of the said parish.

Interest on debentures.

12. The interest upon the principal money secured by each debenture shall commence at and from a day to be named in that behalf in the debenture, and shall be paid half yearly on the days to be named in that behalf in the debenture by the Parochial Treasurer for the said parish of Saint Michael at his office.

Redemption of debentures.

13. The principal moneys and interest thereon secured by the debentures are hereby charged upon the annual rates to be levied and collected in the said parish of Saint Michael, and shall be payable out of the said annual rates of the said parish in the following manner, that is to say, on the twenty fifth day of March or on some other more convenient day to be appointed by the Vestry in the year one thousand eight hundred and eighty one, and on the twenty fifth day of March or on some other more convenient day to be appointed by the said Vestry in each of the following and succeeding years. Until the whole of the debentures issued with the interest thereon shall be fully redeemed and satisfied, the said Vestry shall appropriate out of the annual rates to be laid levied and collected in the said parish of Saint Michael a sum sufficient to meet and pay, in the first place, the interest for the current year upon such of the debentures as may be outstanding and unsatisfied, and in the next place, debentures equal in value to three per cent. on the total nominal value of all debentures previously issued (including any that may have been already redeemed as hereinafter provided), with the interest on such debentures up to the date of the payment of the same.

Rates to be laid for the redemption of debentures.

14. For the purpose of repaying the said loan and redeeming the said debentures in the manner aforesaid, the said Vestry are hereby authorized and required to lay a rate or rates annually on the said parish in the usual manner and subject to confirmation or amendment in the usual manner.

Saint Michael's Parish Central Almshouse Act.

15. All expenses of or incidental to the drawing by lot as hereinafter provided of debentures to be paid off, and the costs and expenses of all notices required by this Act to be given as hereinafter mentioned, shall from time to time be paid by the said Vestry out of the annual rates levied and collected in the said parish, and the said Vestry are hereby authorized to lay rates in the usual manner for the same.

Expenses connected with debentures to be defrayed by rate.

16. So long as any debentures remain outstanding and unsatisfied, a day in every year shall be appointed by a majority of the said Vestry for the drawing by lot as hereinafter mentioned of debentures to be paid off in the then current year. The first day to be so appointed shall in each case be not later than twelve months after the day on which any debenture shall be issued.

A day to be annually fixed for the drawing of debentures for redemption.

17. The said Vestry shall give not less than thirty days' previous notice by advertisement in the Official Gazette, and in such other papers of this Island as they may think fit, of any day to be appointed by them as aforesaid for the drawing by lot of debentures to be paid off, and every such notice shall specify the hour and the place at which the drawing will take place and the nominal amount of debentures to be paid off.

Notice of day to be given.

18. On the day and at the hour and the place so appointed the Vestry shall hold a meeting at which the holder of any debenture may, if he think fit, be present, and shall then, in the presence of such debenture holders (if any) as may attend, draw by lot out of the whole number of debentures for the time being remaining unsatisfied, debentures of the nominal amount mentioned in the notice by advertisement as aforesaid.

Manner of drawing debentures.

19. The said Vestry shall thereupon declare the distinguishing numbers of the debentures so drawn by lot, and shall as soon as may be give public notice in the Official Gazette and in such other papers as they may think fit, specifying such distinguishing numbers and the day (not being later as regards each debenture so drawn by lot than the day on which the then current half year's interest on such debenture is due and payable) on which the principal moneys secured by the respective debentures so drawn by lot will be paid and discharged.

Numbers of debentures drawn to be published.

20. On the day or respective days so appointed, the Vestry shall on demand pay, through the Parochial Treasurer at his office, to the holders of the respective debentures the amount of principal money secured by the respective

Payment of debentures drawn.

Saint Michael's Parish Central Almshouse Act.

debentures so drawn by lot, together with all interest due or payable thereon up to the day on which the principal is made payable as aforesaid.

Interest on the debentures drawn.

21. From and after the day of payment so appointed as aforesaid in respect of any debenture so drawn by lot, all interest shall cease and determine in respect of the principal moneys secured by the debenture, and that notwithstanding that payment of the principal moneys secured by the debenture shall not have been made or demanded.

Debentures when redeemed to be delivered up to Vestry.

22. Every debenture, the principal moneys secured whereby shall be paid off, shall at the time of payment be delivered up to the Vestry and shall forthwith be by them cancelled or destroyed.

Debentures not to be re-issued.

23. No money shall be re-borrowed nor shall any re-issue of debentures be made in respect of any moneys so paid off or in respect of any debenture so cancelled or destroyed as aforesaid.

Expenses of Act to be borne by rate.

24. The said Vestry are hereby authorized to lay a rate at the same time that the annual rates are laid in the parish for the purpose of meeting the costs and expenses of preparing and passing this Act, and for defraying all expenses incurred by them in carrying out the provisions of this Act.

Majority of Vestry to be the Vestry for the purposes of the Act.

25. All acts, matters, and things authorized or necessary to be done or executed by the said Vestry under this Act, may be done and executed by the majority of the members of the said Vestry in vestry assembled.

An Act to amend the law relating to Partition.

[8 November 1880.]

Preamble.

WHEREAS it is deemed expedient to amend the law relating to partition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Partition Act, 1880.

Interpretation of the term "the court."

2. The expression "the court" in this Act shall mean the Court of Chancery for this Island established.

Partition Act.

3. In a suit for partition, where if this Act had not been passed a decree for partition might have been made, then if it appears to the court that, by reason of the nature of the property to which the suit relates, or of the number of the parties interested or presumptively interested therein, or of the absence or disability of some of those parties, or of any other circumstance, a sale of the property and a distribution of the proceeds would be more beneficial for the parties interested than a division of the property between or among them, the court may, if it thinks fit, on the request of any of the parties interested, and notwithstanding the dissent or disability of any others of them, direct a sale of the property accordingly, and may give all necessary or proper consequential directions.

Power to court
to order sale in-
stead of division.

4. In a suit for partition, where if this Act had not been passed a decree for partition might have been made, then if the party or parties interested, individually or collectively, to the extent of one moiety or upwards in the property to which the suit relates, request the court to direct a sale of the property and a distribution of the proceeds, instead of a division of the property between or among the parties interested, the court shall, unless it sees good reason to the contrary, direct a sale of the property accordingly and give all necessary or proper consequential directions.

Sale on applica-
tion of certain
proportion of
parties interes-
ted.

5. In a suit for partition, where if this Act had not been passed a decree for partition might have been made, then if any party interested in the property to which the suit relates requests the court to direct a sale of the property and a distribution of the proceeds instead of a division of the property between or among the parties interested, the court may, if it thinks fit, unless the other parties interested in the property or some of them undertake to purchase the share of the party requesting a sale, direct a sale of the property and give all necessary or proper consequential directions, and, in case of such undertaking being given, the court may order a valuation of the share of the party requesting a sale in such manner as the court thinks fit, and may give all necessary or proper consequential directions.

As to purchase
of share of party
desiring sale.

6. On any sale under this Act the court may, if it thinks fit, allow any of the parties interested in the property to bid at the sale on such terms as to non-payment of deposit, or as to setting off, or accounting for the purchase money or any part thereof instead of paying the same, or as to any other matters as to the court may seem reasonable.

Authority for
parties interest-
ed to bid.

Partition Act.

Application of section 62 of the Chancery Act 1906.

Application of certain sections of the Settled Estates Act 1906.

Parties to partition suits.

7. Section sixty-two of the Chancery Act, 1906, shall extend and apply to cases where in suits for partition the court directs a sale instead of a division of the property.

8. Sections thirty-three to thirty-five (both inclusive) of the Settled Estates Act, 1906, shall extend and apply to money to be received on any sale effected under the authority of this Act.

9. Any person, who, if this Act had not been passed, might have maintained a suit for partition, may maintain such suit against any one or more of the parties interested without serving the other or others (if any) of those parties; and it shall not be competent to any defendant in the suit to object for want of parties; and at the hearing of the cause the court may direct such inquiries as to the nature of the property, and the persons interested therein, and other matters, as it thinks necessary or proper with a view to an order for partition or sale being made on further consideration; but, subject to the provisions hereinafter contained, all persons who, if this Act had not been passed, would have been necessary parties to the suit, shall be served with notice of the decree or order on the hearing, and after such notice shall be bound by the proceedings as if they had been originally parties to the suit, and shall be deemed parties to the suit, and all such persons may have liberty to attend the proceedings; and any such person may, within such time as shall be fixed by any general order of the court in that behalf, apply to the court to add to the decree or order.

Power to dispense with service of notice of decree or order in special cases.

10. Where in any suit for partition it appears to the court that notice of the decree or order on the hearing of the cause cannot be served on all the persons on whom notice is to be served, or cannot be so served without expense disproportionate to the value of the property to which the suit relates, the court may, if it thinks fit, on the request of any of the parties interested in the property, and notwithstanding the dissent or disability of any others of them, by order, dispense with that service on any person or class of persons specified in the order, and instead thereof may direct advertisements to be published at such times and in such manner as the court shall think fit, calling upon all persons claiming to be interested in such property who have not been so served to come in and establish their respective claims in respect thereof before the Vice-Chancellor in chambers within a time to be thereby limited. After the expiration of the time so limited all persons who shall not have so come in and established such claims, whether they are within or without the jurisdiction of the court (includ-

Partition Act.

ing persons under any disability), shall be bound by the proceedings in the suit as if on the day of the date of the order dispensing with service they had been served with notice of the decree or order, service whereof is dispensed with; and thereupon the powers of the court shall extend to their interests in the property to which the suit relates as if they had been parties to the suit; and the court may thereupon, if it shall think fit, direct a sale of the property and give all necessary or proper consequential directions.

11. Where an order is made under this Act dispensing with service of notice on any person or class of persons, and property is sold by order of the court, the following provisions shall have effect; Proceedings where service is dispensed with.

- (1) The proceeds of sale shall be paid into court to abide the further order of the court;
- (2) The court shall by order fix a time at the expiration of which the proceeds will be distributed, and may from time to time by further order extend that time;
- (3) The court shall direct such notices to be given by advertisements or otherwise, as it thinks best adapted, for notifying to any persons on whom service is dispensed with, who may not have previously come in and established their claims, the fact of the sale, the time of the intended distribution, and the time within which a claim to participate in the proceeds must be made;
- (4) If at the expiration of the time so fixed or extended the interests of all the persons interested have been ascertained, the court shall distribute the proceeds in accordance with the rights of those persons;
- (5) If at the expiration of the time so fixed or extended the interests of all the persons interested have not been ascertained, and it appears to the court that they cannot be ascertained, or cannot be ascertained without expense disproportionate to the value of the property or of the unascertained interests, the court shall distribute the proceeds in such manner as appears to the court to be most in accordance with the rights of the persons whose claims to participate in the proceeds have been established, whether all those persons are or are not before the court, and with such reservations (if any) as to the court may seem fit in favour of any other persons (whether ascertained or not) who may appear from

Partition Act.

the evidence before the court to have any prima facie rights which ought to be so provided for, although such rights may not have been fully established, but to the exclusion of all other persons; and thereupon all such other persons shall by virtue of this Act be excluded from participation in those proceeds on the distribution thereof, but notwithstanding the distribution any excluded person may recover from any participating person any portion received by him of the share of the excluded person.

Provision for case of successive sales in same suit.

12. Where in any suit for partition two or more sales are made, if any person, who has by virtue of this Act been excluded from participation in the proceeds of any of those sales, establishes his claim to participate in the proceeds of a subsequent sale, the shares of the other persons interested in the proceeds of the subsequent sale shall abate to the extent (if any) to which they were increased by the non-participation of the excluded person in the proceeds of the previous sale, and shall to that extent be applied in or towards payment to that person of the share to which he would have been entitled in the proceeds of the previous sale if his claim thereto had been established in due time.

Request by married woman, infant, or person under disability.

13. In a suit for partition a request for sale may be made or an undertaking to purchase given on the part of a married woman, infant, person of unsound mind, or person under any other disability by the next friend, guardian, committee in lunacy (if so authorized by order in lunacy), or other person authorized to act on behalf of the person under such disability, but the court shall not be bound to comply with any such request or undertaking on the part of an infant unless it appear that the sale or purchase will be for his benefit.

Suit for partition to include suit for sale and distribution of the proceeds.

14. For the purposes of this Act, a suit for partition shall include a suit for sale and distribution of the proceeds, and in a suit for partition it shall be sufficient to claim a sale and distribution of the proceeds, and it shall not be necessary to claim a partition.

Costs in partition suits.

15. In a suit for partition the court may make such order as it thinks just respecting costs up to the time of hearing.

General rules and orders of court to be made under this Act.

16. General rules and orders of court for carrying into effect the purposes of this Act, and for regulating the times and form and mode of procedure, and generally the practice of the court in respect of the matters to which this Act

1880—3.

Partition Act.

relates, and regulating the fees and allowances to all officers and servants of the court in respect of such matters, shall be made, and such rules and orders may from time to time be rescinded or altered by the like authorities respectively, and all such rules and orders shall take effect as general orders of the court.

17. All general rules and orders made as aforesaid shall be laid before the Legislative Council and the House of Assembly within forty days after the making thereof, if the Legislature is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to the Governor by either House of the Legislature within the next subsequent forty days on which the said House shall have sat praying that any such rule or order may be annulled, the Governor may thereupon by order in Executive Committee annul the same, and the rule or order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceeding which may in the meantime have been taken under the same.

Validation and annulment of general rules and orders when made.

1881—1.

An Act to amend the law as to the Contracts of Infants.

[24 January 1881.]

WHEREAS it is expedient to amend the law as to the contracts of infants and as to the ratification made by persons of full age of contracts made by them during infancy, and as to necessities: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.

1. This Act may be cited as the Infants Relief Act, Short title. 1881.

2. All contracts, whether by specialty or by simple contract, henceforth entered into by infants for the repayment of money lent or to be lent, or for goods supplied or to be supplied (other than contracts for necessities), and all accounts stated with infants, shall be absolutely void; provided always that this enactment shall not invalidate any contract into which an infant may, by any existing or future statute, or by the rules of common law or equity, enter, except such as now by law are voidable.

Contracts by infants, except for necessities, to be void.

1881—1.

Infants Relief Act.

No action to be brought on ratification of infant's contracts.

3. No action shall be brought whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification made after full age of any promise or contract made during infancy, whether there shall or shall not be any new consideration for such promise or ratification after full age.

1881—2.

An Act to establish and incorporate the Barbados Fire Insurance Company, with limited liability.

[29 January 1881.]

Preamble.

WHEREAS certain persons have associated themselves together with the object of forming themselves into a company for carrying on the business of fire insurance, to be extended to all other kinds of insurance (except life insurance), in this Island, and they have by their humble petition prayed that an Act may be passed to establish and incorporate the proposed company by the name or style of "The Barbados Fire Insurance Company" with limited liability; and whereas it is deemed expedient to encourage and promote the proposed company, by establishing and incorporating the same with the privileges and immunities, and under and subject to the restrictions and limitations hereinafter contained: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

PART 1.

Preliminary.

Short title.

1. This Act may be cited as the Barbados Fire Insurance Company Act, 1881.

Interpretation of terms.

2. The following words and expressions in this Act and in the articles of association hereto annexed shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

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Words signifying persons shall apply *mutatis mutandis* to corporations. 'Person.'

The word "lands" shall extend to messuages, lands, 'Lands,' tenements, and hereditaments of any tenure.

The word "articles" or the words "articles of association," shall mean respectively "the articles of association to this Act annexed." 'Articles' and 'articles of association.'

The expression "superior courts," shall mean Her Majesty's superior courts of record in this Island. 'Superior courts.'

The word "oath," shall include affirmation in the case of Quakers, or other declarations lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath. 'Oath.'

The word "Island" shall include any parish or other like division of the Island, and also include a city or town. 'Island.'

The word "Justice" shall mean Police Magistrate acting for the parish, city, town, or other place where the matter requiring the cognizance of any such justice shall arise, or who shall not be interested in the matter. 'Justice.'

The expression "The Company" shall mean the company constituted by this Act. 'The company.'

The expression "Directors," shall mean the directors of the company. 'The directors.'

The word "shareholder," shall mean shareholder, proprietor, or member of the company; and in referring to any such shareholder expressions properly applicable to a person shall be held to apply to a corporation. 'Shareholder.'

The expression "The Secretary," shall mean the secretary of the company, and shall include the word "clerk." 'The secretary.'

PART 2.

Incorporation and constitution of company.

3. William Parker Leacock, James Alsop Lynch, Samuel James Musson. James Francis Brown, Joseph Waterman Roach, William Paget Trimmingham, John Thomas Jones, and Edwin Thomas Racker, and all other persons and
Incorporation of 'The Barbados Fire Insurance Company.'

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corporations who have already subscribed, or shall hereafter subscribe to the company, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of carrying on the business of fire insurance and all other kinds of insurance except life insurance in this Island, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Barbados Fire Insurance Company," and by that name shall be a body corporate with perpetual succession and a common seal, and shall sue and be sued in all courts and before all justices and others, and shall be able and capable in law to have, hold, receive, enjoy, possess, and retain for the ends and purposes of the company all such goods, chattels, and effects, sums of money, mortgages and other securities for money of what nature, value, or amount whatsoever to and for the ends and purposes of the company, and the company shall have full power to assign, transfer and dispose of all such mortgages and other security to which they shall be entitled as the company shall think proper, and the company and their successors by the name aforesaid shall for ever hereafter be able and capable in the law to purchase, have, hold, receive, and enjoy to them and their successors lands and rents of what nature or kind soever in fee and in perpetuity or for terms of lives or years, and the company shall have full power to sell, grant, demise, exchange, and dispose of any of the said lands and rents whereof or wherein they shall have any estate or interest.

Nature of the business which may be carried on by the company.

4. Subject to the provisions of this Act and the articles of association, the company shall have power to carry on the business of fire insurance and all other kinds of insurance except life insurance.

PART 3.

Articles of association clause.

Operation of articles of association.

5. The articles of association shall bind the company and the shareholders thereof to the same extent as if each shareholder had subscribed his name and affixed his seal thereto, and there were in such articles contained a covenant on the part of himself, his heirs, executors, and administrators, to conform to all the regulations contained in such articles subject to the provisions of this Act, and all moneys payable by any shareholder to the company in pursuance of the conditions and regulations of the company or any of such conditions or regulations shall be deemed to be a debt due from such shareholder to the company, and to be in the nature of a specialty debt.

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PART 4.

Distribution of capital and liability of shareholders.

6. The capital of the company shall be sixty thousand pounds, and such capital shall be divided into shares of five pounds each, and every such share shall be distinguished by its appropriate number, and the company shall have power to increase the capital to one hundred thousand pounds. Capital of company.

7. No shareholder of the company shall be liable for or charged with the payment of any debts or demands due from or by the company beyond the extent of his shares of the capital of the company not then paid up by such shareholder. Liability of shareholders limited.

8. All shares of the company shall be personal estate and transmissible in the manner provided by the articles of association, and shall not be of the nature of real estate. Shares to be personal estate.

9. Any transfer of the share or other interest of a deceased shareholder made by his personal representative or representatives shall, notwithstanding such personal representative or representatives may not himself or themselves be a shareholder or shareholders, be of the same validity as if he or they had been a shareholder or shareholders at the time of the execution of the instrument of transfer. Transfer of shares by personal representatives.

10. Every person, who has agreed to take a share in the company or shall have become entitled to a share in the company, and whose name shall have been entered in the register of shareholders mentioned in the articles of association, shall be deemed to be a shareholder of the company. Definition of shareholder.

11. If the name of any person is without sufficient cause entered in or omitted from the register of shareholders of the company, or if default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a shareholder of the company, the person or shareholder so aggrieved in either of the above-mentioned cases, or any shareholder of the company or the company itself may by application to the Chief Judge of the Court of Common Pleas sitting at chambers apply for an order of the court that the register may be rectified; and the Chief Judge may either refuse such application, with or without costs to be paid by the applicant, or he may if satisfied of the justice of the case make an order for the rectification of the register, and may direct the company to pay all the costs of such application and any damages the party Remedy for improper entry or omission of entry in register.

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aggrieved may have sustained ; and the Chief Judge may in any proceeding under this section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the register, whether such question arises between two or more shareholders or alleged shareholders, or between any shareholder or alleged shareholder and the company, and generally the Judge may in any such proceeding decide any question that it may be necessary or expedient to decide for the rectification of the register ; provided that the Judge may direct an issue to be tried in the Court of Common Pleas in which any question of law may be raised and an appeal may be had thereon as in other cases tried in that court.

No notice of trust to be entered on register.

12. No notice of any trust, expressed, implied, or constructive shall be entered on the register of shareholders or be binding on the company.

Certificate of shares to be evidence.

13. The certificate under the common seal of the company, specifying any share or shares held by any shareholder shall be prima facie evidence of the title of such shareholder to the share or shares therein specified.

Register of shareholders to be evidence.

14. The register of shareholders shall be prima facie evidence of any matters directed by the articles of association to be entered therein.

Liability of present and past members of company.

15. Every present and past shareholder of the company shall be liable to contribute to the assets of the company to an amount sufficient for payment of the debts of the company with the following qualifications and limitations, that is to say ;

- (a) No past shareholder shall be liable to contribute to the assets of the company if he has ceased to be a shareholder for a period of six months or upwards.
- (b) No past shareholder shall be liable to contribute in respect of any debt or liability of the company contracted after the time at which he ceased to be a shareholder.
- (c) No contribution shall be demanded from any shareholder exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past shareholder.
- (d) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract with the said company, whereby the liability of individual shareholders upon any such

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policy or contract is restricted or limited, or whereby the funds of the company are alone made liable in respect of such policy or contract.

- (e) No sum, due to any shareholder of the company in his character of shareholder by way of dividend or otherwise, shall be deemed to be or shall be a debt of the company payable to such shareholder in a case of competition between himself and any other creditor, not being a shareholder of the company, but any such sum may be taken into account for the purposes of the adjustment of the rights of the shareholders amongst themselves.

PART 5.

Remedies of creditors of the company against shareholders.

16. If any execution, either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient whereon to levy such execution, then such execution may be issued against any of the shareholders to the extent of their shares respectively in the capital of the company not then paid up; provided always that no such execution shall issue against any shareholder except upon an order of the court in which the action, suit, or other proceeding shall have been brought or instituted, or of the judge or justice thereof, made upon motion or application after sufficient notice in writing to the persons sought to be charged, and upon such motion or application such court, judge, or justice may order execution to issue accordingly; and for the purpose of ascertaining the names of the shareholders and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution at all reasonable times to inspect the register of the shareholders without fee.

Creditors to have execution against non-paid up shareholders.

17. If by means of any such execution any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls, he shall forthwith be reimbursed such additional sum by the directors out of the funds of the company.

Reimbursement of such shareholders.

PART 6.

Minutes.

18. The minutes of all resolutions and proceedings of general meetings of the company and of the directors there-

Minutes of meeting.

Barbados Fire Insurance Company Act.

of, and of all committees appointed by them, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, or by the chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings, and until the contrary is proved every general meeting of the company or meeting of the directors or of their committee, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had shall be deemed to have been duly passed and had, and all appointments of directors, committees, and other persons shall be deemed to be valid, and all acts done by such directors or committees shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments and qualifications.

PART 7.

Actions for calls.

Declaration in
action against
members for
calls.

19. In any action brought or suit instituted by the company against any shareholder to recover any call or other moneys due from such shareholder in his character of shareholder, it shall not be necessary to set forth the special matter, but it shall be sufficient to allege that the defendant is a shareholder and is indebted to the company in respect of a call made or other moneys due whereby an action or suit hath accrued to the company.

PART 8.

Contract.

Contracts by
company how
made.

20. Contracts on behalf of the company may be made as follows, that is to say :—

- (a) Any contract, which if made between private persons would be by law required to be in writing and under seal, may be made on behalf of the company in writing under the common seal of the company, and such contract may be in the same manner varied or discharged.
- (b) Any contract, which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under the expressed or implied

Barbados Fire Insurance Company Act.

authority of the company, and such contract may in the same manner be varied or discharged.

- (c) Any contract, which if made between private persons would by law be valid although made by parol only and not reduced into writing, may be made by parol on behalf of the company by any person acting under the express or implied authority of the company, and such contract may in the same manner be varied or discharged.

All contracts made according to the provisions herein contained shall be effectual in law and shall be binding upon the company and their successors, and all parties thereto, their heirs executors or administrators, as the case may be.

PART 9.

Accountability of Officers.

21. Before any person entrusted with the custody or control of moneys, whether secretary, treasurer, collector, or other officer of the company, shall enter upon his office, the directors shall take sufficient security at his cost from some guarantee society for the faithful execution of his office.

Security to be taken from officers entrusted with money.

22. Every officer employed by the company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the company, and such account shall state how and to whom and for what purpose such moneys shall have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such payments, and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

Officers to account on demand

23. If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for three days after being thereunto required he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, moneys, effects, matters, and things in his possession or power relating to

Summary remedy against parties failing to account.

Barbados Fire Insurance Company Act.

the execution of this Act or belonging to the company, then on complaint thereof being made to and before any justice, such justice shall summon such officer to appear before him at a time and place to be set forth in such summons to answer such charge, and upon the appearance of such officer or in his absence upon proof that such summons was personally served upon him or left at his last known place of abode, such justice may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer, and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any moneys of the company are in the hands of such officer or owing by him to the company, such justice may order such officer to pay the same, and if he fail to pay the amount it shall be lawful for such justice to grant a warrant to levy the same by distress, or in default thereof to commit the offender to gaol there to remain without bail for a period not exceeding three months unless the same be sooner paid.

Officers refusing to deliver up documents, &c., to be liable to imprisonment.

24. If any such officer refuse to make out such account as aforesaid in writing or to produce and deliver to the justice the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, money, effects, matters, or things in his possession or power belonging to the company, such justice may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts (if any) in his possession or power relating to such accounts, and have delivered up all books, papers, writings, property, moneys, effects, matters, and things (if any) in his possession or power belonging to the company.

Where officer about to abscond a warrant may be issued in the first instance.

25. If any director or other person acting on behalf of the company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the justice before whom the complaint is made instead of issuing his summons to issue his warrant for bringing such officer before him, but no person executing such warrant shall keep such officer in custody longer than twenty-four hours without bringing him before the said justice issuing such warrant or some other justice, and it shall be lawful for the said justice, or the justice before whom such officer may be brought, either to discharge such officer if he think there is no sufficient ground for his detention, or to order such officer to be detained in custody so as to be brought before the

Barbados Fire Insurance Company Act.

justice issuing the warrant or some other justice at a time and place to be named in such order, unless such officer give bail to the satisfaction of such justice for his appearance to answer the complaint of the company.

26. No such proceeding against or dealing with any such officer as aforesaid shall deprive the company of any remedy which they might otherwise have against such officer or any surety of such officer. Sureties not to be discharged by proceedings against officer.

PART 10.

Bye-Laws.

27. It shall be lawful for the company from time to time to make such bye-laws as they may think fit for the purpose of regulating the conduct of the officers and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter or repeal any such bye-laws and make others, provided such bye-laws be not repugnant to the laws of this Island or to the provisions of this Act, or the provisions of the articles of association, and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company, and a copy of such bye-laws shall be given to every officer of the company affected thereby. Power to make bye-laws.

28. It shall be lawful for the company by such bye-laws to impose such reasonable penalties upon all persons being officers or servants of the company offending against such bye-laws as the company think fit, not exceeding five pounds for any one offence. Fines for breach of bye-laws.

29. All the bye-laws to be made by the company shall be so framed as to allow any justice, before whom any penalty imposed thereby may be sought to be recovered, to order that the whole or a part only of such penalty be paid as such justice shall think fit. Bye-laws to be so framed as that penalties may be mitigated.

30. The production of a written or printed copy of the bye-laws of the company having the common seal of the company affixed thereto shall be sufficient evidence of such bye-laws in all cases of prosecution under the same. Proof of bye-laws.

PART 11.

Notices.

31. Any summons or notice or any writ or other proceeding at law or in equity required to be served upon the company. Service of notices on company.

Barbados Fire Insurance Company Act.

company may be served by the same being left at, or transmitted through the post directed to, the principal office of the company, or being given personally to the secretary or manager of the company.

Authentication
of notices.

32. Every summons, notice, or other such document requiring authentication by the company may be signed by two directors or by the secretary of the company, and need not be under the common seal of the company, and the same may be in writing or in print or partly in writing and partly in print.

Proof of debts in
bankruptcy.

33. If any person against whom the company shall have any claim or demand shall become or be declared bankrupt or insolvent, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary of the company in all proceedings against the estate of such bankrupt or insolvent or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the company and act in their behalf in all respects as if such claim or demand had been the personal claim or demand of such secretary, and not that of the company.

Tender of
amends.

34. If any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this Act, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action, and if no such tender shall have been made it shall be lawful for the defendant by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

PART 12.

Enforcing penalties.

Penalties to be
summarily re-
covered before a
justice.

35. Every penalty or forfeiture imposed by any bye-law made in pursuance of this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before a justice, and on complaint being made to any justice, he shall issue a summons requiring the party complained against to appear before him, at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same at his usual place of abode; and upon

Barbados Fire Insurance Company Act.

the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for the justice to proceed to the hearing of the complaint, and that although no information in writing or print shall have been exhibited before him, and upon proof of the offence either upon the confession of the party complained against or upon the oath of one or more credible witness or witnesses it shall be lawful for such justice to convict the offender and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred as well as such costs attending the conviction as such justice shall think fit.

36. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, or of such costs as aforesaid be not paid, the amount of such penalties and costs shall be levied by distress, and such justice shall issue his warrant accordingly. Penalties may be levied by distress.

37. No distress levied by virtue of this Act shall be deemed unlawful nor shall any party making the same be deemed a trespasser on account of any default or want of form in the summons, conviction, warrant or distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the person aggrieved by such default or irregularity may recover satisfaction for the special damage in an action upon the case. Distress not unlawful for want of form.

38. It shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security by way of recognizance or otherwise to the satisfaction of the justice for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security, but if before issuing such warrant of distress it shall appear to the justice by the admission of the offender or otherwise that no sufficient distress can be had within the jurisdiction of such justice whereon to levy such penalty or forfeiture and costs, he may if he thinks fit refrain from issuing such warrant of distress, and in such case, or if such warrant shall have been issued and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justice, then such justice shall by warrant cause such offender to be committed to gaol there to remain without Imprisonment in default of distress.

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bail for any term not exceeding three months unless such penalty or forfeiture and costs be sooner paid and satisfied.

Application of penalties.

39. The justice by whom any such penalty or forfeiture shall be imposed shall, where the application thereof is not otherwise provided for, direct the same paid to the Public Treasurer of this Island for the public benefit.

Penalties on witnesses making default.

40. It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction under the provisions of this Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter, and if any person so summoned shall without reasonable excuse refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined on oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence to be recovered summarily.

Proceedings not to be quashed for want of form.

41. No proceeding in pursuance of this Act shall be quashed or vacated for want of form nor shall the same be removed by certiorari or otherwise into any of the superior courts.

Appeal to be against order &c.

42. Any person who may think himself aggrieved by any order or judgment of any justice under any of the provisions of this Act may appeal as in any other matter of summary jurisdiction.

ARTICLES OF ASSOCIATION

of the

“BARBADOS FIRE INSURANCE COMPANY.”

Distribution of capital.

Capital of company to be £60,000.

1. The capital of the company shall be sixty thousand pounds, and such capital shall be divided into shares of five pounds each.

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Shares.

2. Each share shall be distinguished by its appropriate number. Shares to be numbered.

Share Certificates.

3. The certificates of title to shares shall be under the common seal of the company and signed by two directors and countersigned by the secretary or some other person duly appointed by the directors. Every shareholder shall be entitled to one certificate for the shares registered in his name or to several certificates each for a part of such shares. Every certificate of shares shall specify the number of the share in respect of which it is issued and the amount paid up thereon. Share certificates.

4. Two or more joint owners of a share shall for the purposes of the preceding clause be treated as a single shareholder, and the certificate of any share which shall be the subject of joint ownership may be delivered to any one of such joint owners on behalf of all of them. Share certificates may be delivered to one of joint holders of share.

5. If such certificate be lost, or destroyed, or being worn out shall be delivered up to the company, it may be replaced by a new certificate on request of the shareholder entitled to such certificate on payment of one shilling. Certificates may be renewed.

6. No person shall be entitled to a new certificate in lieu of a certificate alleged to have been lost or destroyed without furnishing such evidence of the loss or destruction and of his title and such indemnity in respect of the issue of the new certificate and otherwise as the directors shall prescribe or require. Evidence of loss &c. to be furnished.

Register of Shareholders.

7. The directors shall cause to be kept in one or more books a register of the shareholders of the company, and shall cause to be entered therein the following particulars:— Directors to keep register.

(a) The names and addresses and the occupations, if any, of the several shareholders, and a statement of the shares held by each shareholder, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each shareholder.

(b) The date at which the name of any person was entered in the register as a shareholder.

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(c) The date at which any person ceased to be a shareholder.

Such register shall be open to the inspection of any shareholder gratis on any day during the office hours of the company, and any shareholder shall be entitled to a copy of such register or of any part thereof on payment of sixpence for every one hundred words required to be copied.

Calls of shares.

Manner in which calls to be made.

8. The sum of two shillings and sixpence shall be paid on each share on the application for same, and the like sum on each share on the allotment of same, and the directors may after allotment make a call of one pound on each share on giving one month's notice; and they may thereafter from time to time at intervals of not less than three months make such calls upon the shareholders in respect of all moneys unpaid on their shares as they may think fit; provided that one month's notice at least is given of each call, and each shareholder shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the directors.

Unpaid call to carry interest.

9. If the call payable in respect of any share be not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of six per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

Directors may receive from shareholder amount of shares in full.

10. The directors may if they think fit receive from any shareholder willing to advance the same all or any part of the moneys due upon the shares held by him beyond the sums actually called for, and upon the moneys so paid in advance or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the company shall pay interest at such rate, in such manner, and at such times, as are hereinbefore directed with regard to the paid-up capital.

Transfer of shares.

Mode of execution of transfer of shares.

11. The instrument of transfer of any share in the company shall be executed both by the transferror and transferee, and the transferror shall be deemed to remain a holder of such share until the name of the transferee is entered in the register book in respect thereof.

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12. Shares in the company shall be transferred in the following form : Form of transfer of shares.

I A.B. of in consideration
of the sum of pounds paid to me by C.D. of
do hereby transfer to the said C.D. the
share (or shares) numbered standing in my name in
the books of "The Barbados Fire Insurance Company" to
hold unto the said C.D. his executors administrators and
assigns, subject to the several conditions on which I held the
same at the time of the execution hereof, and I the said C.D.
do hereby agree to take the said share (or shares) subject to
the same conditions. As witness our hands this
day of

(Two witnesses.)

13. Shares in the company may be transferred in such other manner and by such other form of instrument as the directors may from time to time prescribe, determine, and allow. Form of transfer may be varied.

14. The company may decline to register any transfer of shares made by a shareholder who is indebted to them in respect of such shares. Company may decline to register transfer by shareholder indebted.

15. The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year. Transfer book to be closed fourteen days before general meeting.

Transmission of shares.

16. The executors or administrators of a deceased shareholder shall be the only persons recognized by the company as having any title to his share. Title to share of deceased shareholder.

17. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, or by any lawful means other than by transfer in accordance with these articles, may be registered as a shareholder upon such evidence being produced as may from time to time be required by the directors, or instead of being registered himself he may elect to have some person to be named by him registered as a transferee of such share, but the person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share. Transmission of shares by other means than transfer to be authenticated as directors require.

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Transfer to be presented with evidence of title.

18. The instrument of transfer shall be presented to the company accompanied with such evidence as the directors may require to prove the title of the transferror, and thereupon the company shall register the transferee as a shareholder.

Fees payable on transfer of shares.

19. The company shall be paid the sum of one shilling for the transfer of one or any number of shares.

Company may issue new share certificates.

20. The company shall (if required) deliver to every transferee a new certificate of each share transferred to him, upon payment of sixpence for such new certificate, and upon all certificates previously issued on such shares being delivered up to them or otherwise satisfactorily accounted for, but the fee shall in no case exceed five shillings for any number so issued, or the company may, upon the request of such transferee, cause an endorsement of such transfer to be made, free of charge, on the certificate of such share instead of a new certificate being granted.

Forfeiture of shares.

Shares may be forfeited for non-payment of calls.

21. If any shareholder fails to pay any call on the day appointed for payment thereof, the directors may at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment, and in the event of such call remaining unpaid at the time and place mentioned in the notice, the shares in respect of which such call was made will be liable to be forfeited.

Notice to be given before forfeiture taken advantage of.

22. If the requisitions of any such notice as aforesaid are not complied with within three months after the day appointed for the payment thereof, the directors may in the name of the company sue for and recover the same in any court of law or equity having competent jurisdiction, or the directors may declare the share in respect of which such notice has been given to be forfeited. But no advantage shall be taken of any forfeiture of any share in the company until notice in writing under the hand of an authorized officer of the company of such share having been declared by the directors forfeited shall have been given or sent unto the owner of such share or shares, nor until the declaration of forfeiture of the directors shall have been confirmed by a general meeting of the company to be held after the expiration of one month at least from the day on which such notice of forfeiture shall have been given,

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23. After such confirmation as aforesaid, it shall be lawful for the directors to sell the forfeited share either by public auction or private contract, and if there be more than one such forfeited share, then either separately or together as to them shall seem fit, and any shareholder may purchase any forfeited share so sold.

Sale of forfeited shares.

24. Any shareholder whose shares have been forfeited shall notwithstanding be liable to pay to the company all calls owing upon such shares at the time of forfeiture.

Shareholder whose shares forfeited still liable for calls.

25. A statement in writing on oath made before a justice, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by resolution of the directors to that effect and confirmed by a resolution of a general meeting, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such declaration and the receipt of the company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship under the common seal of the company shall be delivered to the purchaser and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Evidence as to forfeiture of shares.

26. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient as nearly as can be ascertained at the time of such sale to pay the arrears then due from such defaulter on account of any calls together with interest and the expenses attending such sale and declaration of forfeiture, and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall on demand be paid to the defaulter.

No more shares to be sold than sufficient for payment of calls.

27. If payment of such arrears of calls and interest and expenses be made before any share so forfeited and vested in the company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

On payment of calls before sale the forfeited shares to revert.

Cancellation and surrender of shares.

28. Where any share of the capital of the company is

Power of com-

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pany to cancel forfeited shares. after the passing of this Act declared forfeited under and in pursuance of the provisions with respect to the forfeiture of shares for non-payment of calls hereinbefore contained, and the forfeiture is confirmed by a meeting in accordance with the same provisions respectively, and notice of the forfeiture has been given, then and in every such case, if the directors are unable to sell the share for a sum equal to the arrears of calls and interest and expenses due in respect thereof, the company at any general meeting held not less than two months after such notice is given may, in case payment of the arrears of calls interest and expenses due in respect thereof is not made by the registered holder of the shares before the meeting is held, resolve that the share instead of being sold shall be cancelled and the share shall thereupon be cancelled accordingly.

Evidence for cancellation of forfeited shares. **29.** A statement in writing on oath made by some credible person in this Island before a justice, stating that a sum of money, sufficient to pay the arrears of calls interest and expenses due in respect of the share, could not at the time of the cancellation of the share be obtained for the same after due advertisement of the sale thereof in the Official Gazette and one other newspaper circulating in this Island for two weeks at least previous to the day of sale, shall be sufficient evidence of the fact so stated.

Payment of calls in arrear notwithstanding cancellation. **30.** Where it is so resolved that any share shall be cancelled, the holder thereof shall from and after the passing of the resolution be precluded from all right and interest therein and in respect thereof, but the cancellation shall not affect the liability of the last registered holder of the share to pay to the company all arrears of calls interest and expenses due in respect of the share at the time of the cancellation, or the power of the company to enforce payment thereof by action or otherwise.

Value of forfeited shares to be deducted from amount due in respect thereof. **31.** If the company enforces the payment of the arrears of calls interest and expenses under the last preceding section, the value of the share at the time of the cancellation thereof shall be deducted from the amount so then due, provided that if payment of all arrears of calls interest and expenses is made before such meeting as aforesaid is held, the share shall revert to the person to whom it belonged at the time of forfeiture, and shall be re-entered in the company's register accordingly.

Company may cancel forfeited shares with consent of holders. **32.** Where any share is declared forfeited, or where any sum payable on any share remains unpaid, the company with the consent in writing of the registered holder of the share, and with the sanction of a general meeting, may

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resolve that the share shall be cancelled, and immediately thereupon the same shall be cancelled and all liabilities and rights with respect to the share shall thereupon be absolutely extinguished.

33. The company may from time to time accept on such terms as they think fit surrenders of any shares which have not been fully paid up. As to surrender of shares.

34. The company shall not pay or refund to any shareholder any sum of money for or in respect of the cancellation or surrender of any share. No money to be paid for cancellation, or surrender

35. The company may from time to time, in lieu of any shares that have been cancelled or surrendered, issue new shares of such uniform amount as will allow the same to be conveniently apportioned or disposed of according to the resolution of any ordinary or extraordinary meeting of the company, and may from time to time fix the amounts and times of payment of the calls on any such new shares and dispose thereof on such terms and conditions as may be so resolved upon. Provided that the aggregate nominal amount of the new shares shall not exceed the aggregate nominal amount of the shares in lieu of which the new shares are issued after deducting the amount actually paid up in respect of the shares cancelled or surrendered. Power to create shares in lieu of cancelled, forfeited &c. shares

Increase of capital.

36. The directors may from time to time with the sanction of a resolution of the company previously given in general meeting increase its capital to any sum not exceeding one hundred thousand pounds by the issue of new shares of such uniform amounts as the company in general meeting directs, or, if no direction be given, as the directors may think expedient. Capital may be increased to any sum not exceeding £100,000.

37. Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the shareholders in proportion to the existing shares held by them and such offer shall be made by notice specifying the number of shares to which the shareholder is entitled, and limiting a time within which the offer if not accepted will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the shareholder to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same in such manner as they may think most beneficial to the company. New shares to be offered to shareholders and if refused to be disposed of.

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Capital raised by new shares to be considered as part of original capital.

38. Any capital raised by the creation of new shares shall be considered as part of the original capital and shall be subject to the same provisions with reference to the payment of calls and the forfeiture, cancellation, or surrender of shares on non-payment of calls or otherwise as if it had been part of the original capital.

Cancellation of new shares.

Company may cancel unissued new shares.

39. If after creating new shares the company determine not to issue the whole of the new shares, they may cancel the unissued new shares.

General meetings.

First general meeting.

40. The first general meeting shall be held at such time not being more than six months after the passing of the Act of incorporation of the company, and at such place as the directors may determine.

Subsequent general meetings.

41. Subsequent general meetings shall be held at least once in every twelve months on such day, and at such hour, and at such place as shall from time to time be fixed by the directors.

Definition of "ordinary" and "extraordinary" general meetings

42. The above mentioned general meetings shall be called "ordinary meetings," all other general meetings shall be called "extraordinary meetings."

Directors on requisition of ten shareholders to convene extraordinary general meeting

43. The directors may whenever they think fit, and they shall upon a requisition made in writing under the hands of ten shareholders, convene an extraordinary general meeting.

Requisition to express object of meeting, and to be left at chief office, and if directors fail for fourteen days to call general meeting, requisitionists may call it.

44. Any requisition made by the shareholders shall express the object of the meeting proposed to be called, and shall be left at the chief office of the company, and upon the receipt of any such requisition the directors shall within fourteen days afterwards proceed to convene an extraordinary general meeting; and if they fail to do so within the time aforesaid, the requisitionists or any other members amounting to the required number may themselves convene an extraordinary general meeting.

Proceedings at general meetings.

Notice of meetings to be given by directors.

45. Seven days' notice at the least of every general meeting, ordinary or extraordinary, specifying the place, day, and hour of meeting, and in the case of an extraordinary

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meeting the business proposed to be transacted thereat, shall be given to the shareholders by advertisement in one or more newspapers of this Island, or in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

46. All business shall be deemed special that is transacted at any extraordinary meeting, and all that is transacted at any ordinary meeting, with the exception of sanctioning a dividend and the consideration of the accounts, balance sheets, and the ordinary report of directors.

What business shall be deemed special.

47. No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members be present at the time when the meeting proceeds to business.

Quorum must be present at meetings except for declaration of dividend.

48. The quorum of a general meeting shall be ten, and may from time to time be increased or lessened by the company in general meeting.

Quorum of general meeting.

49. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place, and if at such adjourned meeting a quorum is not present it shall be adjourned sine die.

Consequence of requisite number not being present.

50. The chairman of the directors shall preside as chairman at every general meeting of the company, but if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, then some other director shall be chosen, and in the absence of all the directors the shareholders present shall choose some one of their number to be chairman.

Chairman of directors or in his absence one of the directors present to be chosen to preside.

51. The chairman may with the consent of the meeting adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

Adjournment of meeting.

52. At any general meeting unless a poll be demanded by at least five shareholders, a declaration by the chairman that a resolution has been carried and an entry to that effect made in the book of proceedings of the company shall be sufficient evidence of the fact without proof of the number of votes recorded in favour of or against such resolution.

How questions are to be decided.

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Proceedings if a poll is demanded

53. If a poll be demanded it shall be taken by ballot at such time and place as the chairman may fix, but not less than three, nor more than ten days from the day on which the poll was demanded, and the result of such poll shall be deemed to be the resolution of the company in general meeting. In case of an equality of votes at any general meeting the chairman shall be entitled to a casting vote in addition to his other votes.

Giving chairman a casting vote.

Votes of Members.

No shareholder to vote or speak whilst indebted to the company.

54. No shareholder shall be entitled to speak or vote on any question personally or by proxy at any general meeting, or vote upon a poll, whilst any money due or payable from him to the company shall remain unpaid.

Every shareholder not disqualified as above may vote and speak. What votes shareholders shall have.

55. Every shareholder not disqualified by the last preceding clause shall be entitled to speak and vote at all general meetings.

56. Every shareholder shall have one vote for every share up to ten, and shall have an additional vote for every ten shares beyond the first ten shares ; but no shareholder shall be entitled to more than thirty votes in the whole.

When a shareholder is a lunatic or idiot or a minor.

57. If any shareholder is a lunatic or an idiot, he may vote by his committee, curator bonis, or other legal curator, and if any shareholder be a minor, he may vote by his guardian or any one of his guardians if more than one.

Joint shares.

58. If several persons be jointly entitled to one or more share or shares, the person whose name stands first in the register of shareholders as one of the holders of such share shall for the purpose of voting at any meeting be deemed the sole proprietor thereof, and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share or shares without proof of the concurrence of the other holders thereof.

No shareholder to vote in respect of share acquired by transfer, unless &c., &c.

59. No shareholder shall be entitled to vote, in respect of any share that he has acquired by transfer, at any meeting held after the expiration of one month from the incorporation of the company, unless he has been possessed of the share in respect of which he claims to vote for at least one month previously to the time of holding the meeting at which he proposes to vote.

Proxies.

Shareholders may have proxies.

60. Any person entitled by the regulations of the company to be present and to speak and vote at a general meeting shall be entitled to exercise his right either personally or by proxy.

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61. A proxy need not at the time of his appointment be qualified to vote as a shareholder or be a shareholder, but he must be a shareholder and be qualified to vote as such at the time of his claiming to vote, or to be present as proxy. Proxies must be shareholders at time of meeting.

62. No proxy shall be entitled to be present or to vote at any general meeting unless the instrument appointing him shall have been left at the office of the company for inspection and registration not less than forty eight hours previously to the time fixed for the commencement of the meeting at which or at any adjournment of which such proxy shall claim to act. Instrument appointing proxy must be left for registration forty eight hours before meeting.

63. The instrument appointing a proxy for a corporation shall be under the common seal of such corporation. Proxy for corporation to be under common seal and kept by company.

64. The instrument appointing a proxy shall remain permanently in the custody of the company.

65. The instrument appointing a proxy shall be in the following form :— Form of appointment of proxy.

THE BARBADOS FIRE INSURANCE COMPANY.

I A.B., of being a
shareholder of the above company and entitled to (vote
or votes) hereby appoint C.D. of or
failing him, E.F., of as my proxy to
vote for me and on my behalf at the (ordinary or extraordinary
meeting as the case may be) general meeting of the com-
pany to be held on the day of and
at any adjournment thereof (or at any meeting of the com-
pany that may be held.)

As witness my hand this day of 18 .
Signed by the said
in the presence of

66. The form of instrument appointing a proxy may from time to time be in such other form as the directors shall prescribe and appoint. Form may be varied.

67. No instrument appointing a proxy shall be valid after the expiration of six months from the date of its execution, unless it purports to appoint a proxy to act for the appointor during his absence from the Island. Time for which appointment of proxy is valid.

Directors.

68. The number of directors shall not be less than five, nor more than seven, and may from time to time Numbers of directors.

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be fixed by a general meeting ; but this shall not come into operation until vacancies other than by rotation occur in the board of directors as now constituted.

Qualification of directors.

69. No person shall be qualified or competent to act as a director unless he be a shareholder holding at least fifty shares in the company.

First directors,

70. The following persons shall be the first directors of the company, namely, William Parker Leacock, James Alsop Lynch, Samuel James Musson, James Francis Browne, Joseph Waterman Roach, William Paget Trimmingham, John Thomas Jones, and Edwin Thomas Racker.

Remuneration of directors.

71. Each director shall be paid the sum of ten shillings for each board meeting at which he gives his personal attendance.

Powers of Directors.

Company to be managed by directors.

72. The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up the company, and for the preparation of the Act of incorporation and these articles, and may exercise all such other powers of the company as are not by the foregoing Act or by these articles required to be exercised by the company in general meeting, subject nevertheless to any of the regulations of these articles, to the provisions of the foregoing Act, and to such regulations or provisions as may be prescribed by the company in general meeting ; but no regulations made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulations had not been made.

Continuing to act notwithstanding vacancy.

73. The continuing directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

When office of director shall be vacated.

74. The office of a director shall be vacated—

- (a.) If he holds any other office or place of profit under the company.
- (b.) If he becomes bankrupt or insolvent or suspends payment or compounds with his creditors.
- (c.) If he shall remain absent from the Island of Barbados for a longer period than six months.
- (d.) If being in the Island of Barbados he fails to attend the board for six consecutive meetings, except

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through illness, in which case his absence from the board shall not exceed six months.

- (e.) If he is found lunatic or becomes of unsound mind.

Rotation of Directors.

75. At the first ordinary meeting after the incorporation of the company the whole of the directors shall retire from office ; and at the first ordinary meeting in every subsequent year one third of the members for the time being of the directors, or if their number be not a multiple of three, then the number next below one-third, shall retire from office.

What directors must retire at ordinary meetings.

76. The individuals to retire shall be those or be elected from those who have been longest in the office and are of equal standing. Whenever the individuals who have been longest in office and are of equal standing shall exceed the number required to retire, the election of the individuals to retire shall unless the directors agree among themselves be determined by ballot.

How to be determined.

77. A director retiring from office in rotation shall be immediately re-eligible, and his period of office shall for the purpose of his retiring in rotation be reckoned from the date of his re-election.

Retiring director to be re-eligible.

78. The company at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

How vacancies of retiring directors filled.

79. If at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place ; and if at such adjourned meeting the places of the vacating directors are not filled up the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

If places of vacating directors are not filled up at meeting it shall be adjourned.

80. Any vacancy occurring in the board of directors by retirement, by rotation, or from any cause whatever, shall be filled up by the company in general meeting to be called within one month after such vacancy aforesaid ; but any person so elected shall retain his seat so long only as the vacating director would have retained the same if no vacancy had occurred.

How vacancy filled.

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Company in general meeting may remove director and appoint another in his place.

81. The company in general meeting may remove any director before the expiration of his period of office and may appoint another person in his stead ; the person so appointed shall hold office during such time only as the director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of directors.

Meetings of directors.

82. The directors may meet together for the despatch of business, adjourn, and otherwise regulate their meetings as they may think fit, but no business shall be transacted at any meeting unless a majority be present.

How questions decided. A director may summon a meeting.

83. Questions arising at any meeting shall be decided by a majority of votes, and in case of any equality of votes, the chairman shall have a second or casting vote ; a director may at any time summon a meeting of directors.

Election of chairman.

84. The directors may elect a chairman of their meetings, and determine the period for which he is to hold office, but if no such chairman is elected, or if at any meeting the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

Directors may delegate powers to committees.

85. The directors may delegate any of their powers to committees consisting of such member or members of their body as they may think fit ; any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors.

Committee may elect chairman.

86. A committee may elect a chairman of their meetings ; if no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

Committee may meet and adjourn.

87. A committee may meet and adjourn as they think proper ; questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

Ratification of acts done by directors or committee.

88. All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, or that any director or directors may not have received notice of the meeting, be

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as valid as if every such person had been duly appointed and qualified to be a director and had received notice.

Dividends.

89. Whenever upon the annual balancing of the accounts of the company there shall be any funds of the company arising from the profits thereof which, having due regard to the permanency and stability of the company, may, in the opinion of the directors, be safely distributed by way of dividend, they may recommend such distribution, and may with the sanction of the company in general meeting cause the same to be paid to the shareholders in proportion to their shares; provided always that the directors may pay a half-yearly interim dividend not exceeding three per cent.

Directors may recommend dividend.

90. No dividend shall be payable except out of the profits arising from the company.

Dividend payable out of profits.

91. The directors may, before recommending any dividend, set aside out of the profits of the company such sum as they think proper as a reserve fund to meet contingencies.

Reserve fund.

92. The directors may invest the sum so set apart as a reserve fund to meet contingencies upon such securities as they may select.

Investment of reserve fund.

93. No shareholder shall be entitled to receive payment of any dividend whilst any moneys shall be owing from him to the company on account of calls or otherwise, and any dividend which but for this provision might be payable to him may be set off by the company against the debt owing to the company by such shareholder.

No person entitled to receive dividend if indebted to company.

94. Any dividend payable in respect of any share held by two or more persons jointly may be paid to, and an effectual receipt given by, any or either of such persons.

Dividend how payable to joint holder.

95. No dividend payable in respect of any share shall under any circumstances whatever bear interest as against the company.

Dividend not to bear interest.

96. Notice of any dividend that may have been declared shall be given by advertisement in two of the newspapers circulating in this Island, or by letter, or otherwise, as the directors shall think fit.

Notice of dividend.

Minutes.

97. The directors shall cause minutes of all resolutions Minutes, &c.

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and proceedings of general meetings of the company, and of meetings of the directors, and all committees thereof, to be duly entered in books to be from time to time provided for the purpose.

Accounts.

Accounts to be kept by directors.

98. The directors shall cause true accounts to be kept of the sums of money received and expended by the company, and the matter in respect of which such receipt and expenditure takes place, and once in every year the directors shall lay before the company in general meeting a revenue account and a profit and loss account for the then present year, and a balance sheet showing the liabilities and assets of the company on the day closing the financial year of the company.

Account books to be open for inspection.

99. The accounts and books of the company shall be open to the inspection of shareholders fourteen days both preceding and following the day of the ordinary general meeting.

Audit.

Audit of accounts.

100. The accounts of the company shall be examined and their correctness ascertained by one or more auditor or auditors at least once in every year.

Appointment of auditors.

101. The auditors shall be appointed by the company in general meeting.

Provisions to apply to one auditor.

102. If only one auditor is appointed, all the provisions herein contained relating to auditors shall apply to him.

Who may be auditors.

103. The auditors may be shareholders of the company, but no director or other officer of the company shall be eligible during his continuance in office.

Election of auditors.

104. The election of auditors shall be made by the company at their ordinary general meeting in each year.

Remuneration of auditors.

105. The remuneration of the first auditors shall be fixed by the directors; that of subsequent auditors shall be fixed by the company in general meeting.

Auditors to be re-eligible.

106. Any auditor shall be re-eligible on his quitting office.

Casual vacancies.

107. If any casual vacancy occurs in the office of any auditor appointed by the company, the directors shall forthwith call an extraordinary general meeting for the purpose of supplying same.

Barbados Fire Insurance Company Act.

108. The auditors shall be supplied with a copy of the balance sheet at least twenty-one days before the day appointed for the meeting, and it shall be their duty to examine the same with the accounts and vouchers relating thereto, and the auditors shall report thereon to the general meeting generally or specially, as they shall think fit.

Auditors to be supplied with balance sheet.

109. The auditors shall have delivered to them a list of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company; and with the sanction of the directors they may at the expense of the company employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the directors or any other officer of the company.

Auditors to have access to books.

Notices.

110. A notice may be served by the company upon any shareholder either personally or by sending it through the post in a prepaid letter, addressed to such shareholder at his registered place of abode or other known place of residence or business.

Notices how to be served.

111. A notice given to any one or more of the owners of any share, which may be the subject of joint ownership, shall be sufficient notice to all the joint owners of such share.

Notices to joint owners.

112. Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office in due time.

As to service of notice by post.

113. No shareholder who has not a registered place of abode in this Island, shall be entitled to have any notice sent him.

No shareholder to receive notice unless registered place of abode in this island.

114. When the signature of any officer of the company is necessary to authenticate any notice, the signature may be printed and need not be written.

Signature of officer may be printed.

115. Every person who by operation of law, transfer, or other means whatsoever shall become entitled to any share, shall be bound by and be deemed to have knowledge of every notice which, previously to his name and address being entered on the register in respect of such share, shall have been served as aforesaid on the person from whom he derives his title to such share.

Notice shall be binding on owner of share acquired since notice given to previous owner.

1882—1.

Saint George's Almshouse Act.

1882—1.

An Act to authorize the Vestry of the parish of Saint George in this Island to sell two pieces of land in the parish, and to levy a tax in the parish, and with the money obtained thereby respectively to erect an Almshouse on a part of the Glebe land in the parish for the use of the parish.

[10 March 1882.]

Preamble.

WHEREAS the Rector and Vestry of the parish of Saint George have by their humble petition to the Legislature of this Island set forth that John Elliott, late of the said parish and Island, esquire, by his will dated the eighth day of October one thousand six hundred and eighty one, amongst other things, bequeathed unto the said parish of Saint George the sum of five hundred pounds sterling, to be paid to the Vestry of the said parish for and towards the building of a free school in the said parish upon lands laid out for that purpose, which school he desired his executors to erect and build with the said money within the space of six months next after his decease (if not completed in his lifetime), and he bequeathed unto his brother Edward Elliott forty pounds sterling money, to be paid to him yearly, during his natural life as by that his will he appointed, that was to say, he appointed his executors immediately after his decease to pay and deliver into the hands of the Vestry and Churchwarden of the said parish the sum of five hundred pounds, sterling, which sum being by them received, he desired them and their successors to pay to his said brother the forty pounds before given to him, during his natural life, and after the decease of his said brother he bequeathed the said sum of five hundred pounds or so much thereof as should be then remaining unto the said Vestry and Churchwarden for the use of the said parish for ever, towards building and erecting an almshouse in the said parish for the poor, which almshouse he appointed to be built and completed within one year after the decease of his said brother, and as to the quantity of land to be laid off for the building he left it to the discretion of the Vestry and Churchwarden of the said parish for the time being; that the said John Elliott died in the year one thousand six hundred and eighty one, without having altered or revoked his said will, and the same was after his death duly proved and recorded in the Secretary's office of this Island; that Rowland Bulkeley, late of the said parish and Island, esquire, by his will dated the sixth day of No-

Saint George's Almshouse Act.

vember one thousand six hundred and eighty six, after reciting, amongst other things, that towards the building of a school house in the said parish of Saint George there had been five hundred pounds allotted by Captain John Elliott, late of the said Island, deceased, by his will, which sum had been expended for the purpose aforesaid and was found too little, and that he (meaning himself the testator) also had expended a like sum on the school, bequeathed for the preservation of the said school house a yearly sum of twenty pounds current money of the said Island for ever, to be issuing and payable out of his plantation in the said parish and yearly to be expended upon the repairs of the said school according to the discretion and appointment of his executors, and the testator also bequeathed a piece of land containing by estimation five acres whereon the said school then stood ; that the said Rowland Bulkeley died in or about the year one thousand six hundred and eighty eight, without having altered or revoked his said will, and the same was after his death duly proved and recorded in the Secretary's office of this Island ; that the Vestry of the said parish had for a great number of years been possessed of a certain piece of land in the said parish containing by estimation sixteen acres, bounding on lands of Salter's plantation, on lands of Lower Estate plantation, on lands of a place called Forster Lodge, and on a public road, the rents and profits whereof had of late years been applied by the said Vestry to educational purposes, but the said Vestry believe that the said land was obtained for almshouse purposes, inasmuch as the rents thereof were entered in the old books of the parish as rents of almshouse lands, and Mayo's map of the Island showed buildings thereon and named them "Saint George's Almshouse ;" that the said Vestry believe that the said land was obtained under the the will of the said John Elliott for almshouse purposes ; that they (the said Vestry) had for a great number of years been possessed of a piece of land in the said parish containing by estimation five acres, bounding on lands of Bulkeley plantation, on lands of Carmichael's plantation, and on a public road, the rents and profits whereof had been applied by the said Vestry towards educational purposes in the said parish, and they believed that the said land was the land obtained under wills of the said John Elliott and Rowland Bulkeley, or one of those wills, for educational purposes ; that there were not any buildings on either of the said two pieces of land, and they were desirous of disposing of the said two pieces of land and of applying the moneys that might be realised by the sale thereof in or towards defray-

Saint George's Almshouse Act.

ing the cost of erecting an almshouse and the necessary and proper offices and buildings thereto for the uses of the said parish ; that the said Vestry would upon the sale of the last hereinbefore described piece of land (that is the piece of land adjoining Bulkeley plantation), annually apply the interest and income of the money realized by the sale thereof, at the rate of six pounds per cent per annum, for educational purposes in the said parish ; that the said Vestry expected that the said two pieces of land would realize on the sale thereof one thousand two hundred pounds or thereabouts, and they estimated that it would cost about one thousand five hundred pounds to erect the almshouse and the offices and out-buildings ; that the said Vestry desired to erect an almshouse in the parish of Saint George for the accommodation of the indigent, sick, poor, and infirm of the said parish, and they had with the approval of the Rector of the said parish selected a part of the glebe lands as a desirable site for the same, and for the purpose they would require one acre of the land, and the Rector of the parish was willing that the Vestry should have the required site in perpetuity at a yearly rental of three pounds six shillings and eight pence, payable annually to the Rector for the time being for the said parish of Saint George for the use and occupation thereof, and the Vestry were willing to take an acre of the said glebe land upon the terms mentioned ; and that they desired to raise any part of the cost of the almshouse and the offices and outbuildings (not exceeding five hundred pounds), which might not be obtained by the sale of the said two pieces of land by levying a tax or taxes from time to time as the money might be required upon the land of the said parish of Saint George ; and the petitioners have in their said petition prayed that the Legislature of this Island would be pleased to pass an Act authorising them and their successors in office to sell the said two pieces of land and apply the moneys arising from the sale thereof in defraying the cost of erecting an almshouse and the necessary and proper offices and out-buildings in the said parish for the accommodation of the indigent and sick, poor and infirm, of the said parish upon the site selected as aforesaid for the same, and providing therein that they and their successors in office should hold the said acre of land selected as aforesaid as the site for the almshouse in perpetuity at a rental as aforesaid and payable as aforesaid for the use and occupation of the said land ; and the petitioners desired that in the said Act it should be declared that they and their successors should hold the moneys arising from the sale of the said piece of land held by them for educational purposes

Saint George's Almshouse Act.

as aforesaid, as a loan to the said parish, and should annually apply the interest and income thereof at the rate aforesaid for educational purposes in the said parish; and further that the petitioners and their successors should be authorized to raise any sum which might be required for the erection of an almshouse and the offices and out-buildings, over and above the money realized by the sale of the said two pieces of land, (not exceeding five hundred pounds), by levying a tax or taxes from time to time as the money might be required upon the lands of the parish of Saint George and otherwise in the usual way: and whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Saint George's Alms- Short title.
house Act 1882.

2. The Vestry of the said parish of Saint George are hereby authorized to sell by public competition, in separate lots, as they shall think best, for cash prices, the two pieces of land in the said parish in the said petition in this Act recited respectively mentioned and described, and the hereditaments and appurtenances thereto respectively belonging; and in submitting the said pieces of land and premises to competition it shall be competent for the said Vestry and they are hereby authorised to set up the same respectively for sale at certain prices to be fixed by them, and to reserve to themselves the power of withdrawing any sale thereof respectively, if the upset price or prices cannot be obtained; provided nevertheless that the said Vestry shall not give less than thirty days' notice by advertisement to be published in the Official Gazette, and in such other manner as they shall think fit, of their intention to sell such pieces of land and premises; and on the completion of any such sale and purchase, the said Vestry shall give to the purchaser or purchasers of the said pieces of land and premises respectively certificates of the terms, particulars, and conditions, (if any) of such sales and purchases, and immediately on the recording of such certificates in the Colonial Secretary's office of this Island, the said pieces of land and premises respectively shall by virtue of this Act and without any further conveyances or assurances stand vested in the purchaser or purchasers of the said pieces of land and premises respectively, their, his, or her heirs and assigns respectively for estates of inheritance in fee simple.

Vestry of St. George's parish authorized to sell the two pieces of land mentioned in their said petition.

3. The money arising from the sale of the said pieces of land and premises respectively shall be used and applied The moneys arising from such

Saint George's Almshouse Act.

sale to be used by the said Vestry, so far as the same will extend, in defraying the cost of erecting the said Vestry are by this Act authorized to construct on a part of the glebe land of the said parish of Saint George.

Vestry of the said parish authorized to take and hold one acre of the glebe land thereof for a term of 1,000 years at a yearly rent of £3. 6. 8.

4. For the purpose of carrying out the contemplated erection of an almshouse for the use of the said parish of Saint George, the Vestry of the said parish are hereby empowered to take and hold one acre of the glebe land of the said parish for the term of one thousand years, commencing from the date of this Act, at a yearly rental of three pounds six shillings and eight pence, payable annually from the parochial funds of the said parish to the Rector for the time being of the said parish for the use and occupation thereof; and in order that the acre of land selected by the said Vestry for the said purpose may always be readily known and ascertained, the said Vestry shall have a plot of the land selected, which has been prepared by Mr. John Bovell Connell, a sworn surveyor of the said Island, and signed by the said surveyor and by a majority of the Vestry of the said parish (of whom the Rector of the said parish is one), recorded in the Colonial Secretary's office of the said Island immediately upon the passing of this Act, and thereafter the said Vestry shall hold the said land separate and distinct from the remainder of the glebe land of the said parish, and from thenceforth the said yearly rent of three pounds six shillings and eight pence shall be a perpetual charge upon the parochial funds of the said parish to be paid by the said Vestry in manner aforesaid.

and to erect an almshouse on the acre so taken as aforesaid.

5. The said Vestry are hereby empowered to erect on the said acre of land to be taken by them as aforesaid from the glebe land of the said parish a commodious almshouse with all necessary and proper out-offices for the uses of the said parish, large enough for the accommodation of the indigent and sick, poor and infirm of the said parish, and capable of further enlargement and extension should the same become necessary.

Vestry of the said parish required to hold the money arising from the sale of the piece of land adjoining Bulkeley plantation for educational purposes

6. The said Vestry shall, upon the sale of the said piece of land adjoining Bulkeley plantation, hold the money realized by the sale thereof for educational purposes in the said parish, and until the application of the same by the said Vestry for such purposes the said Vestry shall annually apply the interest and income of such money, at the rate of six pounds per centum per annum, for educational purposes in the said parish, and the said money and the interest thereon until the same is paid shall be a charge on the parochial funds of the said parish.

1882—1.

Saint George's Almshouse Act.

7. To assist the said Vestry in defraying the cost of the erection of the said almshouse and buildings they are hereby authorized and required to lay a rate or rates on the said parish, in the usual manner, and subject to confirmation or amendment in the usual manner, at such time or times as they shall deem it fit and expedient to do so, for a sum or sums not exceeding together five hundred pounds to be applied by them towards defraying the cost of the erection of the said almshouse and buildings. And in laying the rates for the same the Vestry shall endeavour to lay the same in the manner most convenient to the taxpayers of said parish.

Vestry authorized to raise by rates any sum not exceeding £500 for the purpose of building the said almshouse ;

8. The said Vestry are hereby authorized to lay a rate at the same time that the usual rates are laid in the parish for the purpose of meeting the cost and expenses of preparing and passing this Act, and for defraying all expenses incurred by them in carrying out the provisions of this Act.

and to lay a rate to defray the cost of preparing and carrying into execution this Act.

9. All acts, matters, and things authorised or necessary to be done or executed by the said Vestry under this Act may be done and executed by a majority of the members of the said Vestry in vestry assembled.

A majority of Vestry to have the same powers as the whole.

1882—2.

An Act to consolidate and amend the law relating to the Storage and Importation of Petroleum.

[28 March 1882.]

WHEREAS it is expedient to consolidate and amend the law relating to the storage and importation of petroleum : Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preamble,

Preliminary.

1. This Act may be cited as the Petroleum Act, 1882. Short title.

2. "Petroleum" means kerosine oil, rock oil, Rangoon oil, Burmah oil, and all products of any of them, and any oil made from petroleum, coal, schist, shale, peat, or other bituminous substance ; and in this Act "volatile petroleum" means such petroleum as gives off an inflammable vapour at a temperature less than eighty three degrees of Fahrenheit's thermometer, to be ascertained in the manner hereinafter mentioned.

Meaning of "petroleum."
Meaning of "volatile petroleum."

Petroleum Act.

Storage.

Warehouse.

3. The existing petroleum warehouse or such other building as may at any time be substituted therefor by authority of the Legislature shall be used for the storage of petroleum in the manner hereinafter mentioned.

Warehouse vested in Governor-in-Executive Committee.

4. The petroleum warehouse shall be vested in and shall be under the care and control of the Governor-in-Executive Committee.

Where excess of petroleum to be stored.

5. Should there at any time be a greater quantity of petroleum in the Island than can properly be stored in the petroleum warehouse, it shall be lawful for the Governor, upon such fact being brought to his notice by the Comptroller of Customs, to authorize such quantity of petroleum as cannot be properly stored in the petroleum warehouse to be stored in such places as the Governor-in-Executive Committee shall consider best adapted for such purpose; and all the regulations which may at any time apply to the storage of petroleum in the petroleum warehouse shall at the same time apply, so far as is possible, to petroleum stored in case of need in such places.

Warehouse regulations to apply

Keeper to be officer of Customs.

6. The present keeper of the petroleum warehouse and any officer appointed in future to be keeper of the petroleum warehouse shall be to all intents and purposes an officer of Customs, and shall be subject to all and every the powers authorities and provisions, and shall have and enjoy all and every the privileges and immunities, of the officers of the Customs establishment.

Keeper's duties.

7. The keeper of the petroleum warehouse, or in his absence such other officer of Customs as the Comptroller of Customs may from time to time appoint, shall take charge of the petroleum warehouse during office hours, and receive and deliver petroleum, and shall keep an account of all receipts and deliveries from the warehouse in a book to be provided and kept at the warehouse for that purpose, and in such form as may be directed by the Comptroller of Customs; and the said book shall be balanced and made up monthly, and checked by the authorized officer of Customs.

Warehouse rent.

8. The charge for warehouse rent for petroleum in the petroleum warehouse shall be as follows: per barrel of fifty gallons and under, at the rate of sixpence per barrel payable at the time of deposit in, and sixpence per barrel payable at the time of withdrawal from, the warehouse; per case of ten gallons and under, at the rate of two pence per case

Petroleum Act.

payable at the time of deposit in, and two pence per case payable at the time of withdrawal from, the warehouse. These charges shall be collected and recovered in the same manner as the rent on goods stored in the colonial warehouse is collected and recovered. How collected.

9. All petroleum imported into this Island shall, on the landing of the same, unless for immediate exportation from quay or wharf on the day of landing, and all petroleum, the produce of this Island brought into the city shall, be stored in the petroleum warehouse, and in no other part of the city except as herein provided, under a penalty for any and every breach of the provisions of this section of twenty pounds, recoverable in a summary manner before a Police Magistrate on the complaint of the Comptroller of Customs, provided that it shall be lawful for any dealer in petroleum to pay duty on and to remove from the petroleum warehouse and to keep in any shop, store, or warehouse any quantity of petroleum, not being volatile petroleum, not exceeding two hundred gallons if in metal cases, and fifty gallons if in wooden packages. Penalty for storing elsewhere than in warehouse, except as herein provided.

10. The duties on petroleum when cleared from the warehouse for home consumption shall be charged upon the quantity ascertained at the actual time of delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency has been caused by illegal or improper means, in which case the Comptroller shall make such allowances only for loss as he may consider fairly to have arisen from evaporation or leakage, or other legitimate cause, and no duty shall be charged in respect of any deficiency in petroleum entered and cleared from the warehouse, unless the Comptroller has reasonable grounds to suppose that such deficiency or any part thereof has arisen from illegal abstraction. Quantity to be kept by dealer.

11. Each lot of petroleum stored in the petroleum warehouse shall be stored separately, and shall have a distinguishing mark, and be so packed that an account may be taken of the same as often as may be deemed necessary or expedient; and the owner of such petroleum or his agent shall have free access to the petroleum warehouse during office hours to examine and inspect the same, and to take all necessary precautions for preventing leakage and waste. Distinguishing mark.

12. It shall be lawful for all persons having petroleum in the petroleum warehouse to transfer their right, title, or interest therein to other persons, who shall have the same powers and liabilities in respect thereof as the original proprietors. Owner to have access to warehouse.

Transfer.

Petroleum Act.

Importation.

Penalty for
landing volatile
petroleum.

13. It shall not be lawful to land in or to import into this Island, or to attempt to land in or import into this Island, any volatile petroleum; and any person offending against the provisions of this section shall be liable to a penalty not exceeding one hundred pounds, to be recovered on complaint before a Police Magistrate, and in default of payment to imprisonment for a period not exceeding twelve months; and one half of such penalty shall be payable to the informer, and one half into the Treasury to the credit of the general revenue. Any petroleum so landed or imported or attempted to be landed or imported shall be forfeited, and shall be disposed of by the Comptroller of Customs either by sale for exportation or by destruction of the same; and the proceeds of any sale for exportation made by the Comptroller of Customs under this section shall be paid into the Public Treasury to the credit of the general revenue.

Petroleum for-
feited how dis-
posed of.

Consignee to no-
tify Comptroller
of arrival of pet-
roleum who shall
procure samples
for testing.

14. The consignee of any petroleum on board any vessel arriving in Carlisle Bay laden or partly laden with petroleum for importation shall, within twenty four hours (Sundays and holidays excepted) of such vessel's arrival, notify the Comptroller of Customs of the arrival of the petroleum and of his intention to import the same, and the Comptroller of Customs shall thereupon cause not less than three samples to be taken of each brand or quality of such petroleum, and shall transmit such samples to the Island Professor of Chemistry or other person authorized by the Governor under this Act in that behalf, in order that the same may be tested.

Professor of
Chemistry to
certify samples.

15. Within twenty-four hours (Sundays and holidays expected) of the receipt of such samples, the Island Professor of Chemistry or other authorized person as aforesaid shall test the same, and shall certify to the Comptroller of Customs in the form prescribed by schedule A to this Act that the samples so tested by him do or do not (as the case may be) consist of volatile petroleum.

Petroleum
landed if not
volatile.

16. If the Island Professor of Chemistry or other authorized person as aforesaid shall certify that the samples do not consist of volatile petroleum, the Comptroller of Customs shall communicate a copy of such certificate to the owner of the petroleum from which the samples have been taken, and shall permit such petroleum to be brought on shore at such place as may be provided for that purpose and landed there and stored in the petroleum

Petroleum Act.

warehouse in the presence of an officer of Customs duly authorized for that purpose.

17. If the Island Professor of Chemistry or other authorized person as aforesaid shall certify that the samples do consist of volatile petroleum, the Comptroller of Customs shall communicate a copy of such certificate to the owner of the petroleum from which such samples have been taken, and such petroleum shall be considered to all intents and purposes to be volatile petroleum within the meaning of this Act.

Professor certifying volatile petroleum same to be such within Act.

18. It shall be lawful for the Comptroller of Customs from time to time to cause samples to be taken of any petroleum stored in the petroleum warehouse which he may have reason to believe to be volatile petroleum, whether samples of such petroleum have been already tested or not, and to transmit such samples to the Island Professor of Chemistry or other authorized person as aforesaid to be tested, and the Island Professor of Chemistry or other authorized person shall thereupon test such samples, and shall certify to the Comptroller of Customs in the form prescribed by schedule A to this Act that such samples do or do not (as the case may be) consist of volatile petroleum.

Comptroller may take samples from warehouse to be tested.

19. If the Island Professor of Chemistry or other authorized person as aforesaid shall certify that such samples do consist of volatile petroleum, the Comptroller of Customs shall communicate a copy of such certificate to the owner of the petroleum from which such samples have been taken, and such petroleum shall be considered to all intents and purposes to be volatile petroleum within the meaning of this Act and shall be liable to be forfeited and seized by the Comptroller of Customs, and disposed of under the provisions of this Act; provided however that should sufficient evidence be produced to satisfy the Comptroller that such petroleum as aforesaid has been purchased or received on consignment by the party holding it in bond in ignorance of the fact that it was under the required test, he shall be permitted to export the same, provided he do so within twenty days from the date that the same is tested, otherwise this proviso to be void and of no effect.

Volatile petroleum to be forfeited.

Petroleum under test purchased or received in ignorance of fact.

20. If the owner of any petroleum certified to be volatile petroleum shall be dissatisfied with the test made by the Island Professor of Chemistry or other authorized person, it shall be lawful for the owner of such petroleum within twelve hours of the receipt of the copy of the certificate from the Comptroller of Customs to give notice to the

Owner dissatisfied with test how to proceed.

Petroleum Act.

Comptroller of Customs that he disputes the correctness of the test of the samples of such petroleum; and the owner of the petroleum may thereupon nominate any two of the persons authorized under this Act to test petroleum to make another test of such samples.

Persons under preceding section certifying not volatile petroleum, same not such within Act, certifying volatile petroleum, same to be such within Act.

21. If the two authorized persons nominated as afore-said shall certify that such samples do not consist of volatile petroleum, the petroleum from which such samples have been taken, notwithstanding the provisions hereinbefore contained, shall not be considered to be volatile petroleum within the meaning of this Act.

Payment of fees.

22. If the two authorized persons nominated as afore-said shall certify that such samples do consist of volatile petroleum, the petroleum from which such samples have been taken shall be considered to all intents and purposes as volatile petroleum within the meaning of this Act, and the fees of the testers, together with the fees of the person who originally tested the same, shall be paid into the Treasury by the person demanding the fresh test, and may be recovered from him on the complaint of the Colonial Treasurer or any person authorized by him in writing in that behalf before a Police Magistrate in a summary manner.

Recovery of fees.

Vessel with petroleum requiring quick despatch.

23. Whenever a vessel arrives at this Island laden or partly laden with petroleum for importation, and requiring quick despatch, it shall be lawful for the Comptroller of Customs, notwithstanding the provisions hereinbefore contained, to permit such petroleum to be landed and stored in the petroleum warehouse under the supervision of an officer of Customs appointed for such purpose, in a part of the petroleum warehouse to be set apart for the storage of petroleum landed under this section; and all petroleum stored under this section in that part of the petroleum warehouse set apart under this section for the storage of petroleum landed from vessels requiring quick despatch shall be liable to warehouse rent, and shall for the purposes of this Act be considered as if it were on board the vessel from which it was landed, but shall within twenty-four hours (Sundays and holidays excepted) after being stored be dealt with accordingly under the provisions of this Act affecting the testing and importation of petroleum, and all petroleum landed under the provisions of this section if found to be under the required test may be exported under the authority of the proviso contained in section nineteen.

Persons authorized to test to be

24. From time to time, as may be necessary, the Governor shall cause to be published in the Official Gazette a list of persons authorized to test petroleum; and such persons

Petroleum Act.

shall on the publication of such list be persons authorized to test petroleum under this Act. published in the
Official Gazette.

25. Every person authorized to test petroleum under this Act shall be entitled to receive a fee for testing samples of petroleum, when called upon to do so, at the rate specified in schedule B to this Act. Such fee shall be payable from the Treasury in the usual manner on the certificate of the Comptroller of Customs. Fees.

Fees payable
from Treasury.

26. The temperature at which petroleum gives off an inflammable vapour shall for the purposes of this Act be tested in the manner set forth in schedule C to this Act. Temperature
how tested.

General provisions.

27. (1). It shall be lawful for the Governor-in-Executive Committee from time to time as may be necessary to make, alter, and amend rules and regulations for the government of the petroleum warehouse, and for the regulation of the taking and keeping of samples of petroleum to be tested under this Act; and such rules and regulations shall be published in the Official Gazette, and shall thereupon have the force of law. Rules and
regulations.

(2). Any person committing a breach of any of such rules and regulations, and any person required by or liable under any of such rules or regulations to perform or do any act or thing required to be done by him, and not performing or doing such act or thing as so required, shall be liable to a penalty not exceeding five pounds, recoverable in a summary manner before a Police Magistrate on the complaint of the Comptroller of Customs.

28. Nothing in this Act shall be held to apply to petroleum not used for burning, and imported and kept stored in close glass bottles not exceeding eight ounces. Petroleum not
used for burning

SCHEDULE A.**Schedule A.***Certificate of test of petroleum.*

I hereby certify that I have tested the sample of petroleum marked No. forwarded to me to be tested at on 18 , and that such sample * consist of volatile petroleum within the meaning of the Petroleum Act, 1882.

18

Signature.

* 'does' or 'does not' as the case may be.

Petroleum Act.

Schedule B.

SCHEDULE B.

Fees payable to persons authorised to test petroleum.

For testing each set of three samples—ten shillings.

Schedule C.

SCHEDULE C.

Mode of testing petroleum so as to ascertain the temperature at which it will give off inflammable vapour.

Specification of the test apparatus.

The oil cup consists of a cylindrical vessel 2 inches diameter, 2 and 2-10ths inches height (internal), with outward projecting rim 5-10th inch wide, $\frac{3}{8}$ inch from the top and $1\frac{1}{8}$ inch from the bottom of the cup. It is made of gun metal or brass (17 B.W.G.) tinned inside. A bracket consisting of a short stout piece of wire bent upwards and terminating in a point is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$ inches. The cup is provided with a close fitting overlapping cover made of brass (22 B.W.G.) which carries the thermometer and test lamp. The latter is suspended from the side by means of trunnions upon which it may be made to oscillate; it is provided with a spout the mouth of which is 1-16th inch in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be $1\frac{1}{2}$ inches below the centre of the lid.

The cover is provided with three square holes, one in the centre 5-10th inch by 4-10th inch, and two smaller ones 3-10th inch by 2-10th inch close to the sides, and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes the oscillating lamp is caught by a pin fixed in the slide and tilted in such a manner as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes the lamp returns to its original position.

Petroleum Act.

Upon the cover in front of and in line with the mouth of the lamp is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders, (24 B.W.G.) an inner one of 3 inches diameter and $2\frac{1}{4}$ inches height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre which forms the top of the bath in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}$ inch, that is, its diameter is about 6-8th inch greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner cup cylinder. To the inner projection of the top is fastened, by means of six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and the oil cup is $\frac{1}{2}$ inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted between the two cylinders. The bath is further provided with a funnel and overplay pipe, and two top handles.

The bath rests upon a cast iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top and of such dimensions that the bath whilst firmly resting on the iron ring just touches on its projecting top the inward turn-flange. The diameter of this outward jacket is $6\frac{1}{2}$ inches, one of the three legs of the stand serves as support for the spirit or gas lamp attached to it by means of a small swing bracket. The distance of wickholder or gas-burner from the bottom of the bath is 1 inch.

The lamp, if a spirit lamp, is filled through the funnel. In both thermometers the capillary tube is widened at the top to prevent breakage through overheating. The line on the scale of the long bulb thermometer indicating 130 deg. is rendered conspicuous by being drawn across the whole width of the ivory back. In a similar manner the line indicating 73 deg. is specially marked on the second bulb thermometer.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the bath has a long bulb

Petroleum Act.

and a space at the top. Its range is from about 90 deg. to 190 deg. Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way. It is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{4}$ inches measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with an ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55 deg. to 150 Fah. It measures from end of ivory to back of bulb $2\frac{1}{4}$ inches.

The pendulum is two feet in length from the point of suspension to the centre of gravity of the weight.

NOTE.—A model apparatus is deposited at the Colonial Secretary's office.

Directions for applying the Flashing Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out of the spout of the vessel. The temperature of the water at the commencement of the test is to be 130 deg. Fah., and this is to be obtained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication, or by heating the water with the spirit lamp, (which is attached to the stand of the apparatus), until the required temperature is indicated. If the water has been heated too highly it is easily reduced to 130 deg. by pouring in cold water little by little (to replace a portion of the warm water), until the thermometer gives the proper reading. When a test has been completed this water bath is again raised to 130 degrees by placing the lamp underneath, and the result is readily obtained whilst the petroleum cup is being emptied cooled and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle-wick and filling it with colza or rape oil up to the lower edge of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0.5 in. diameter, and this size of flame which is repre-

Petroleum Act.

sented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer. When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly. In pouring the oil to be tested great care should be taken not to splash it against the sides of the cup, until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 66 deg. the samples to be tested should be cooled down (to about 68) by immersing the bottles containing them in cold water, or by any other convenient method. The lid of the cup with the slide closed is then put on and the cup is placed on the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup. The lead line or pendulum which has been fixed in a convenient place in front of the operator is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66 deg. the operation of testing is to be commenced, the test flame being applied once for every rise of one degree in the following manner ;

The slide is slowly drawn open whilst the pendulum performs three oscillations and is closed during the fourth oscillation. If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows ;

The air chamber which surrounds the cup is filled with cold water to the depth of $1\frac{1}{2}$ inches and the heating vessel or water bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120 deg. instead of with cold water.

1883—1.

Fatal Accidents Act.

1883—1.

An Act for compensating the Families of Persons killed by Accident.

[3 November 1883.]

Preamble.

WHEREAS no action at law is now maintainable in this Island against a person who by his wrongful act, neglect, or default may have caused the death of another person, and it is oftentimes right and expedient that the wrongdoer in such case should be answerable in damages for the injury so caused by him : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :

Short Title.

1. This Act may be cited as the Fatal Accidents Act 1883.

Interpretation of terms.

2. The following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter, that is to say ; the word "person" shall apply to bodies politic and corporate ; and the word "parent" shall include father and mother, and grandfather and grandmother, and stepfather and stepmother ; and the word "child" shall include son and daughter, and grandson and grand daughter, and stepson and stepdaughter.

An action to be maintainable against any person causing death through neglect, &c., notwithstanding the death of the person injured.

3. Whosoever the death of a person shall be caused by a wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

Action to be for the benefit of relations, and shall be brought by and in the name of the executor, &c.

4. Every such action shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased ; and in every such action the court or jury, as the case may be, may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought ; and the amount so recovered after deducting the costs not recovered from the defendant shall be divided

Fatal Accidents Act.

amongst the before-mentioned parties in such shares as the court or jury by their judgment or verdict shall find and direct.

5. If in any of the cases intended and provided for by this Act the defendant is advised to pay money into court, it shall be sufficient that he pay it as a compensation in one sum to all persons entitled under this Act for his wrongful act, neglect, or default, without specifying the shares into which it is to be divided by the court or jury; and if the said sum be not accepted, and an issue is taken by the plaintiff as to its sufficiency, and the court or jury shall think the same sufficient, the defendant shall be entitled to the judgment or verdict upon that issue.

Defendant may pay money into court as compensation in one sum without specifying shares into which it is to be divided.

6. Not more than one action under this Act shall lie for and in respect of the same subject matter of complaint and every such action shall be commenced within twelve calendar months after the death of such deceased person.

Only one action shall be brought and shall be commenced within 12 months

7. If and so often as it happens in any of the cases intended and provided for by this Act that there is no executor or administrator of the person deceased, or that, there being such executor or administrator, no such action as in this Act mentioned is within six calendar months after the death of such deceased person brought by and in the name of his or her executor or administrator, then and in every such case such action may be brought by and in the name or names of the person, or of all or any of the persons (if more than one), for whose benefit such action would have been if it had been brought by and in the name of such executor or administrator; and every action so to be brought shall be for the benefit of the same person or persons, and shall be subject to the same regulations and procedure as nearly as may be as if it were brought by and in the name of such executor or administrator.

If no executor or administrator, and no action be brought within 6 months after death, person or persons entitled to benefit may bring action.

8. In every such action the plaintiff on the record shall be required, together with the declaration or plaint as the case may be, to deliver to the defendant or his attorney a full particular of the person or persons for whom and on whose behalf such action shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

Plaintiff to deliver a full particular of the persons for whom such damage shall be claimed.

9. The Judges of the Assistant Court of Appeal, and the Judges of the Petty Debt Courts of this Island respectively, shall have jurisdiction to hear and determine all actions brought under the provisions of this Act, where the sum claimed as damages is not beyond the jurisdiction of the said Assistant Court of Appeal and Petty Debt Courts respectively.

Judges of Assistant Court of Appeal and Petty Debt Judges to have jurisdiction.

1883—2.

Convicts License Act.

1883—2.

An Act to amend the law relating to the conditional discharge of Convicts under Licenses or Tickets of Leave.

[24 December 1883.]

Preamble. WHEREAS it is deemed expedient to amend the law relating to the conditional discharge of prisoners under licenses or tickets of leave : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Preliminary.

Short Title. 1. This Act may be cited as the Convicts License Act, 1883.

Interpretation. 2. In this Act (unless repugnant to or modified by the context),

the word “Magistrate” means Police Magistrate ;

the word “district” means police district ;

the word “prison” means prison as defined in the Prisons Act, 1890.

The word “imprisonment” means imprisonment in any prison, with or without hard labour, as the case may be, and includes penal servitude ;

the word “prisoner” means any person undergoing or hereafter to undergo imprisonment in this colony, whether under sentence of any court of this or any other colony, the term of whose original sentence was or shall be not less than one year ;

the word “license-holder” means the person to whom a license is granted under this Act, and who holds, or is entitled to hold, such license.

Any document used may be in writing or print or partly so, 3. Any document to be used or issued under this Act may be in writing or in print, or partly in writing and partly in print.

Licenses how granted and their operation.

Licences how granted by Governor, and their operation. 4. (a) The Governor may by order under his hand grant to any prisoner in this colony a license to be at large within this colony during such portion of his imprisonment as to the Governor may seem fit ; and the Governor may revoke or alter such license by order under his hand at his pleasure.

Convicts License Act.

(b) Such license may be in the form set forth in schedule A annexed to this Act, or in such other form as the Governor may order.

(c) On any license being granted a copy thereof shall be kept in the Colonial Secretary's office, and another copy thereof shall be sent to the Inspector General of Police, and shall be kept by him at his office.

5. (a) So long as a license shall continue in force and unrevoked, the license-holder shall not be liable to be imprisoned by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license. Protection to license-holders in their person.

(b) A license-holder, notwithstanding his conviction of felony, may acquire and hold personal property, and may maintain actions for its recovery, or in respect of any damage thereto, if and during such time as such license continues unrevoked and unforfeited. In their property.

Liabilities of license-holder.

6. Every license-holder shall within twenty-four hours after he is liberated from prison notify the place of his residence to the Magistrate of the district in which he resides, and, whenever he changes such residence within the same district, shall notify such change of residence to the Magistrate of such district; and whenever he changes his residence from the district of one Magistrate into the district of another Magistrate, he shall notify such change of residence to the Magistrate of the district which he is leaving, and also to the Magistrate of the district into which he goes to reside; and every license-holder shall once in every month report himself and the place of his residence, either to the Inspector General of Police or to the police officer in charge of the nearest police station, and such report shall be made at such time in the month, and either personally or by letter, as the Inspector General of Police may direct; and it shall be the duty of every police officer who receives any such report to forward the same immediately to the Inspector General of Police, and to make a record of it. Conditions to be observed by license-holder

Forfeiture or revocation of license.

7. If any license-holder is convicted either by the verdict of a jury or upon his own confession of any offence for which he is indicted, his license shall be forthwith forfeited by virtue of such conviction. License when forfeited.

Convicts License Act.

License-holder not notifying place of residence to Magistrate, or not complying with requirements of section 6 of this Act, how punished.

8. If any licence-holder who is at large in this colony remains in any district after he is liberated from prison for twenty-four hours without notifying his place of residence to the Magistrate of the district in which such place is situated, or fails to comply with the requisitions of section six of this Act on the occasion of any change of residence, or with the requisitions of the said last-mentioned section as to reporting himself once in each month, he shall in every such case, unless he proves to the satisfaction of the court before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence under this Act punishable summarily, and upon conviction thereof his license may in the discretion of the court be forfeited, or if the original term of imprisonment in respect of which his license was granted has expired at the date of his conviction, it shall be lawful for the court to sentence him to imprisonment, with or without hard labour, for a term not exceeding one year, or if the said original term of imprisonment has not expired but the remainder unexpired thereof is a lesser period than one year, then, in addition to the forfeiture of his license, to sentence him to imprisonment, with or without hard labour, to commence at the expiration of the said original term of imprisonment for such a term as together with the remainder unexpired of his said original term of imprisonment will not exceed one year.

9. If any license-holder

License-holder failing to produce his license to authority, or breaking any other condition may be punished summarily by imprisonment with or without hard labour.

- (1) fails to produce his license when required to do so by any Judge or Magistrate before whom he is brought charged with any offence, or by any constable or police officer in whose custody he is, and also fails to make any reasonable excuse for not producing the same ; or
 - (2) breaks any of the other conditions of his license by an act that is not of itself punishable either upon indictment or upon summary conviction,
- he shall be deemed guilty of an offence punishable summarily by imprisonment for any period not exceeding three months, with or without hard labour.

When constable or police officer may apprehend license-holder without warrant.

10. Any constable or police officer may without warrant take into custody any license-holder whom he reasonably suspects of having committed an offence, or of having broken any of the conditions of his license, and may detain him in custody until he can be taken before a Magistrate and dealt with according to law.

Convicts License Act.

11. Any offence under this Act punishable summarily may be prosecuted summarily before a Magistrate. Offences under Act to be prosecuted summarily

12. Where any holder of a license granted under this Act is convicted of an offence punishable summarily under this or any other Act, the Magistrate convicting the prisoner shall without delay forward by post or otherwise to the Colonial Secretary for the information of the Governor a certificate in the form given in schedule B to this Act annexed, and thereupon the license of the said license-holder may be revoked in manner provided by this Act. On any summary conviction Magistrate shall forward to Colonial Secretary certificate in form given in schedule B.

13. Whenever the Governor revokes a license and signifies such revocation to any Magistrate, such Magistrate shall if the license-holder be not already in custody immediately issue his warrant for his apprehension. On any license-holder being brought before any Magistrate either on such warrant or otherwise after the Governor's revocation signified as aforesaid the Magistrate shall by warrant under his hand commit such license-holder to prison, and thereupon the license holder shall be remitted to his original sentence, and shall undergo the residue thereof as if no license had been granted. Provision when Governor revokes license and signifies revocation to Magistrate.

14. Where a license is forfeited by a conviction for any offence the license-holder, after undergoing the punishment for the offence in consequence of which his license is forfeited, shall further undergo a term of imprisonment equal to the portion of his term of imprisonment that remained unexpired at the time his license was granted, and he shall for such purpose be committed to prison under the order of the court or Magistrate before whom he is convicted, there to be dealt with accordingly. Provision where license forfeited.

Miscellaneous.

15. The Governor may from time to time, if necessary, cause to be framed forms to be used under this Act, and may from time to time alter or annul any of such forms. Governor may make rules.

16. Nothing in this Act shall affect Her Majesty's royal prerogative of mercy or any like prerogative or power vested in the Governor. Not to affect prerogative of mercy.

SCHEDULE A.

Schedule A.

LICENSE.

BARBADOS.

I in and over the colony of Barbados, in exercise of the powers in this behalf in me vested,

Convicts License Act.

do hereby grant to _____ who was convicted of _____ at the _____ court of this colony on the _____ day of _____ in the year 18 _____ and was then and there sentenced to be kept to _____ imprisonment (or penal servitude), and is now confined in the prison _____ This My License to be at large from the day of liberation under this my order during the remaining portion of the said term of imprisonment unless the said _____ shall before the expiration of the said term be convicted of some indictable offence within this colony, in which case this license will be immediately forfeited by law, or unless this license be revoked by me in accordance with the provisions of the Convicts License Act, 1883.

This license is given subject to the conditions endorsed hereupon, and upon the breach of any of such conditions this license will be liable to be revoked, whether such breach is followed by a conviction or not: And I the said _____ do hereby order that the said _____ be set at liberty within _____ days from the date of this my order.

Given under my hand at Government House, in the said colony, this _____ day of _____ in the year of Our Lord one thousand eight hundred and _____

Conditions.

1. The holder shall preserve this license and produce it when called upon to do so by a Magistrate, constable, or police officer.

2. The holder shall abstain from any violation of the law.

3. The holder shall not habitually associate with notoriously bad characters such as reputed thieves and prostitutes.

4. The holder shall not lead an idle and dissolute life and be without visible means of obtaining an honest livelihood.

If this license is revoked by the Governor or Officer administering the government, the holder will be liable to undergo a term of imprisonment equal to the portion of his term of _____ years which remained unexpired when this license was granted, viz., the term of _____ years; and if this license is forfeited in consequence of a conviction of the holder for any offence, the holder will be liable to undergo the unexpired term of imprisonment above-mentioned in addition to the punishment inflicted on him for such offence.

1883—2.

Convicts License Act.

SCHEDULE B.

Schedule B.

I do hereby certify that the holder of a license
under the Convicts License Act, 1883, was on the
day of 18 duly convicted by me of the offence
of and sentenced to

(Signed)

Police Magistrate.

1883—3.

An Act to amend the law relating to the legal condition of Aliens.

[31 December 1883.]

WHEREAS it is deemed expedient to amend the law relating Preamble.
to the legal condition of aliens : Be it therefore enacted by
the Governor, Council, and Assembly of this Island, and by
the authority of the same, as follows :—

1. This Act may be cited as the Aliens Act, 1883.

Short title.

2. Real and personal property of every description may
be taken, acquired, held, and disposed of by an alien in the
same manner in all respects as by a natural-born British
subject ; and a title to real and personal property of every
description may be derived through, from, or in succession
to an alien in the same manner in all respects as through,
from, or in succession to a natural-born British subject, pro-
vided,—

Alien may take
and dispose of
real and perso-
nal property,
and title may
be derived
through alien.

(1) That this section shall not qualify an alien for
any office, or to be a member of the General Assembly of
this Island, or of the Vestry of any parish, or to vote for
the election of a member or members of the General Assem-
bly of this Island or of the Vestry of any parish.

Alien not quali-
fied for office, or
to be a member
of Assembly or
Vestry, or to vote
at elections,

(2) That this section shall not entitle an alien to
any right or privilege as a British subject, except such rights
and privileges in respect of property as are hereby expressly
given to him.

Entitled only to
rights and privi-
leges expressly
given.

(3) That this section shall not qualify an alien to
be the owner of a British ship.

Not to be owner
of a British ship.

(4) That this section shall not affect any estate or
interest in real or personal property to which any person has
or may become entitled either mediately or immediately in

Not to effect any
estate or interest
in property to

1883—3.

Aliens Act.

which any person has or may become entitled before the operation of Act, &c. possession or expectancy in pursuance of any disposition made before the coming into operation of this Act, or in pursuance of any devolution by law on the death of any person dying before the coming into operation of this Act.

1884—1.

An Act to vest in the Right Reverend Anthony Butler, Vicar Apostolic of British Guiana and the Island of Barbados, and his successors in office, for the use of the Roman Catholic Body in this Island, certain property of the said body.

[17 January 1884.]

Preamble.

WHEREAS the said Anthony Butler, Vicar Apostolic as aforesaid, together with the majority of the members of the Roman Catholic body have, by their humble petition to the Legislature, set forth that certain members of the Roman Catholic Church in this Island sometime in the year one thousand eight hundred and forty appointed certain gentlemen of their number to be trustees with full power to select and purchase an eligible spot of land as a site for the erection of a Roman Catholic Church in this Island; but the said trustees pursuant to their trusts purchased certain lands and buildings, and caused to be erected on a part of the said land a church, a clergyman's residence, and a school-house; that four of the said trustees afterwards died, leaving one of their co-trustees surviving them; that the said survivor, in exercise of certain powers vested in him for that purpose, on the second day of May one thousand eight hundred and sixty eight, appointed, with the unanimous consent of the said Roman Catholic body, four new trustees in the stead of the deceased trustees to act in conjunction with himself in all the trusts which were then subsisting and capable of taking effect; that the said survivor and the new trustees are all now dead, and no new trustees have been appointed in their room, and that the said church, houses, and lands are not now vested in any trustees or other legal representative; that the buildings on the said lands are insured, and should they be destroyed at any time by fire some difficulty might arise with respect to the insurance money, and that all the said trustees having died without heirs an application to the Court of Chancery for this Island would set matters straight again; but that, as such a course of procedure would be attended by considerable expense,

1884—1.

Roman Catholics (Property) Act.

the said petitioners have deemed it advisable, in the interest of the church property and funds, to appeal to the Legislature of the colony for the necessary relief; and the petitioners prayed that the Legislature might be pleased to pass a short Act vesting the said Roman Catholic Church, lands, and buildings in the said Anthony Butler, as Vicar Apostolic as aforesaid, and his successors in office, for the use of the said Roman Catholic body in the said Island; and whereas it is thought expedient to grant the prayer of the said petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:

1. This Act may be cited as the Roman Catholics Short title.
(Property) Act 1884.

2. From and after the passing of this Act the said Roman Catholic Church, and the lands, buildings, and hereditaments thereto belonging, shall become and the same are hereby vested in the said Anthony Butler, as Vicar Apostolic as aforesaid, with remainder to his successors in office, in trust for the use of the said Roman Catholic body in accordance with the original trust deed dated the twenty eighth day of April one thousand eight hundred and forty, and made between Mary Walcott of the one part, and John Haley, Patrick Kilkelly, John MacLeod, James Macnamara, and Andrew George Drinan, Esquires, trustees as therein mentioned, of the other part.

Roman Catholic church and hereditaments vested in the Vicar Apostolic and his successors in office for the use of the Roman Catholic body.

1884—2.

An Act to amend the Saint Michael's Central Almshouse Act 1880. (1880-2.)

[2 April 1884.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Saint Michael's Cen- Short title.
tral Almshouse (Amendment) Act 1884. [See 1885—5]

2. In addition to the moneys authorized to be raised by the Vestry of Saint Michael under the provisions of the Saint Michael's Central Almshouse Act, 1880, it shall be lawful for the said Vestry and they are hereby authorized to raise (as they shall from time to time require the same) upon debentures to be issued in this Island as provided by this Act any additional sum or sums not exceeding in the whole six

Vestry may raise additional sum of £6,000 by debentures for construction and completion of the Central Almshouse

Saint Michael's Central Almshouse (Amendment) Act

thousand pounds sterling money for and to be applied exclusively for the construction and completion of the Saint Michael's central almshouse and for the purchase of materials and other things required for and in connection with the same.

Sum secured by debentures to be charged on rates of Saint Michael's parish.

3. Every debenture to be issued in this Island under this Act shall be for a sum of one hundred pounds sterling money to be charged and secured together with the interest thereon on the rates of the said parish of Saint Michael and to bear interest at the rate of six pounds per cent. per annum payable half yearly in the manner hereinafter provided, and such debentures may be placed in the market and disposed of by the said Vestry at any premium they may be able to obtain for the same

Incorporation of sections 8 to 12 of principal Act.

4. Sections eight, nine, ten, eleven and twelve of the Saint Michael's Central Almshouse Act 1880, shall be and the same are hereby incorporated with and form part of this Act, as if the same were here again re-enacted.

Redemption of debentures.

5. The principal moneys and interest thereon, secured by the debentures to be issued under this Act, are hereby charged upon the annual rates to be levied and collected in the said parish of Saint Michael, and shall be payable out of the said annual rates of the said parish in the following manner, that is to say, on the twenty fifth day of March, or on some other more convenient day to be appointed by the Vestry, in the year one thousand eight hundred and eighty four, and on the twenty fifth day of March, or on some other more convenient day to be appointed by the said Vestry, in each following and succeeding year. Until the whole of the debentures issued with interest thereon shall be fully redeemed and satisfied, the said Vestry shall appropriate out of the annual rates to be laid, levied, and collected in the said parish of Saint Michael a sum sufficient to meet and pay, in the first place, the interest for the current year upon such of the debentures issued under this Act as may be outstanding and unsatisfied, and, in the next place, debentures equal in value to three per cent. on the total nominal value of all debentures previously issued under this Act, (including any that may have been already redeemed as provided by this Act), with the interest on such debentures up to the date of the payment of the same.

Incorporation of sections 14 to 25 of principal Act.

6. Section fourteen to section twenty-five of the Saint Michael's Central Almshouse Act, 1880, both inclusive, shall be and the same are hereby incorporated with and form part of this Act as if the same were here again re-enacted.

Saint Michael's Central Almshouse (Amendment) Act

7. The Vestry of the parish of Saint Michael shall appoint some day prior to the first day of December next for the drawing by lot of debentures issued under the Saint Michael's Central Almshouse Act, 1880, to be paid off with interest thereon out of the rate laid for that purpose in the year one thousand eight hundred and eighty three, which drawing would have taken place in December last had the Vestry of Saint Michael met for that purpose, and the said Vestry are hereby authorized to lay a rate in the usual manner for raising any additional interest which has accrued on the said debentures between the date on which the same should have been paid and the date of payment of same.

A day to be fixed prior to 1st December next for drawing debentures issued under the St. Michael's Central Almshouse Act, 1880 and not yet paid. Provision for additional interest accrued thereon.

8. All the provisions of the Saint Michael's Central Almshouse Act, 1880, which would have applied to such drawing and to the payment of the debentures so drawn had the same been made within the time limited in the said Act, shall apply to the drawing authorized by the last preceding section of this Act.

Such drawing to be made subject to the provisions of the said Act relative to drawings.

 1885—1.

An Act to require that all votes upon the taking of a Poll at any Election of members to serve in the General Assembly or in the several Vestries of this Island shall be given by Ballot.

[23 May 1885.]

WHEREAS it is deemed expedient to require that all votes upon the taking of a poll at any election of members to serve in the General Assembly or in the several Vestries of this Island shall be given by ballot: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Ballot Act, 1885. Short title.

2. In this Act, if not inconsistent with the context, the following expressions shall have the meanings hereinafter respectively assigned to them, that is to say ; Definitions.

The expression "election" means an election of a member or members to serve either in the General Assembly or in any of the Vestries of the several parishes.

Ballot Act.

The expressions “candidates” or “candidate” mean any persons or person who have or has been nominated as or declared themselves or himself candidates or a candidate at an election.

The expression “sheriff” means a person under whatever designation presiding at an election.

The expression “elector” means any person qualified to vote for members to serve either in the House of Assembly in respect of the parish, or city of Bridgetown, for which he is registered, or in any of the Vestries of the several parishes for which he is so registered, including in the parish of Saint Michael the city of Bridgetown.

The expression “register” means the register for the time being of voters qualified to vote for members to serve either in the General Assembly or in any of the Vestries of the several parishes, including in the parish of Saint Michael the city of Bridgetown.

The expression “polling place” means the house or room in which an election is held.

Procedure at poll.

Votes, when poll required at an election, to be taken by ballot. Of what ballot shall consist.

3. In the case of a poll being required at an election the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this Act called a ballot paper) showing the names and descriptions of the candidates arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names. Each ballot shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face, and shall be in the form set forth in schedule A to this Act or as near thereto as circumstances admit, and shall be capable of being folded up.

Ballot boxes how to be constructed; to be shown empty before any votes are taken, and then to be locked and sealed.

4. Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. The sheriff at any polling place just before the commencement of the poll shall show the ballot box empty to such persons as may be present in such polling place so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

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5. Every elector shall be entitled to demand and receive a ballot paper, but immediately before it is delivered to such elector it shall be marked on both sides by the sheriff with a mark called in this Act "the official mark," and the number and name of the elector as stated in the copy of the register shall be called out and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the copy of the register against the number of the elector to denote that he has received a ballot paper but without showing the particular ballot paper which he has received.

Every elector entitled to a ballot paper.

Duty of sheriff before delivering it.

6. The elector on receiving the ballot paper shall forthwith proceed into the compartment or one of the compartments in the polling place and there secretly mark his vote by placing a cross on the right hand side of the ballot paper opposite the name of each candidate for whom he votes, thus—X, and shall then fold up the ballot paper so as to conceal his vote, but so as to show the official mark on the back, and shall then put his ballot paper so folded up into the ballot box in the presence of the sheriff after having shown to him the official mark on the back; any ballot paper which has not on its back the official mark or on which votes are given to more candidates than the elector voting is entitled to vote for, or on which anything except the said number on the back is written or marked by which the elector can be identified shall be void and not counted; he shall vote without undue delay and shall quit the polling place as soon as he has put his ballot paper into the ballot box.

Course to be followed by an elector on receiving a ballot paper.

What ballot papers to be void and not counted:

7. The sheriff on the application of any elector who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Act, or of any elector who is unable to read, shall cause the vote of such elector to be marked on a ballot paper in manner directed by such elector, and the ballot paper to be placed in the ballot box, and the name and number on the register of every elector whose vote is marked in pursuance of this section and the reason why it is so marked shall be entered on a list to be called "the list of voters marked by the sheriff."

Votes of electors prevented voting by blindness or other physical cause, or unable to read, how taken.

Lists to be made of votes so taken.

8. Any sheriff or candidate engaged at an election, who is an elector for any other constituency than the constituency for which he shall be such sheriff or candidate, may address and forward a letter signed by him to the sheriff presiding at the election for such constituency for which he shall be such elector, stating therein the names of the candidates for whom he desires to vote, and the

Vote of an elector, who is absent owing to his being engaged as sheriff or candidate elsewhere, how taken.

Ballot Act.

sheriff presiding at such election shall on the receipt of such letter cause the vote of such sheriff or candidate who is such elector to be marked on a ballot paper in manner directed in such letter by such sheriff or candidate, and the ballot paper to be placed in the ballot box, and the name and number on the register of such sheriff or candidate whose vote is marked in pursuance of this section, and the reason why it is so marked, shall be entered on the list mentioned in the last preceding section called "the list of voters marked by the sheriff."

Lists to be made of votes so taken.

Course to be adopted in case of a person claiming to vote as being a specified elector, after another person has voted as such elector.

"Tendered votes" list.

Under what circumstances an elector may obtain a second ballot paper.

9. If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions and taking the oath permitted to be asked and to be administered to voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Act called "a tendered ballot paper") instead of being put into the ballot box shall be given to the sheriff and indorsed by him with the name of the voter and the number in the register and set aside and shall not be counted by the sheriff, and the name of the voter and his number on the register shall be entered on a list called "The tendered votes list."

10. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the sheriff the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the sheriff, obtain another ballot paper in the place of the ballot paper so delivered up, and the spoilt ballot paper shall be immediately cancelled.

• *Procedure after close of poll.*

Result of poll, when, how, and in whose presence to be ascertained.

Precaution to be taken by sheriff.

11. After the close of the poll and before the sheriff shall depart from the place of election, the ballot box shall be opened by the sheriff in the presence of the candidates or the persons who proposed them, or any other persons nominated by them for the purpose in attendance, and no other person, except with the sanction of the sheriff; and the sheriff shall ascertain the result of the poll by counting the votes given to each candidate, but, while doing so, shall keep the ballot papers with their face upwards, and take all proper precautions for preventing any person from seeing the numbers on the backs of such papers.

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12. The sheriff shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the indorsement, "rejection objected to," if an objection be in fact made by any candidate, or the person who proposed him, to the decision of the sheriff. The sheriff shall report to the Governor-in-Executive Committee in the case of any election of members to serve in the General Assembly, and to the chairman of the Vestry to which any election relates, the number of ballot papers rejected and not counted by him under the several heads of :

Course to be pursued by sheriff with respect to ballot papers rejected by him.

- (1.) Want of official mark.
- (2.) Voting for more candidates than entitled to.
- (3.) Writing or mark by which votes could be identified.
- (4.) Unmarked or void for uncertainty.

And shall on request allow the candidate or the person who proposed him before such report is sent in to copy it.

13. The decision of the sheriff as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

His decision in such cases to be final, subject. &c.

14. Upon the completion of the counting and the declaration by the sheriff of the candidates elected, the sheriff shall seal up each description of papers, other than the list of voters (which shall in each case be returned to the Colonial Secretary for future use), relating to the election, in separate packets, and in the case of any election of members to serve in the General Assembly return the same to the Colonial Secretary, and in the case of an election of members to serve in any of the Vestries return the same to the chairman of the Vestry to which the election relates, and in either case indorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the parish, or city of Bridgetown, for which such election was held, and the Colonial Secretary and the chairman of the Vestry respectively shall retain for one year all documents and papers so returned to them respectively as aforesaid, and then the Colonial Secretary unless otherwise directed by an order of the House of Assembly and the chairman of the Vestry unless otherwise directed by the Court of Common Pleas shall cause them to be destroyed.

Disposal by the sheriff of the papers relating to the election when result of poll is declared.

15. The papers required by the last preceding section to be sealed up by the sheriff shall be sealed up by him in the presence of the candidates or the persons who proposed them or any other person nominated by them for the purpose in attendance, and by no other person except with the sanction of the sheriff.

In whose presence such papers to be sealed up.

*Ballot Act.**Provisions preventing inspection of election papers except under competent authority.*

Rejected ballot papers not to be inspected except under the order of the House of Assembly or the Court of Common Pleas.

16. No person shall be allowed to inspect any rejected ballot papers in the custody of the Colonial Secretary except under the order of the House of Assembly or the Court of Common Pleas, or in the custody of the chairman of the Vestry except under the order of the Court of Common Pleas to be granted by such court on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return, and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode of inspection or production as the House of Assembly or Court of Common Pleas making the same may think expedient, and shall be obeyed by the Colonial Secretary or chairman of Vestry, as the case may be, and the power given to the Court of Common Pleas by this section may be exercised by the Judge of the said Court at Chambers.

Election papers in the custody of the Colonial Secretary or of the chairman of any Vestry not to be opened except under the order of the House of Assembly or of the Court of Common Pleas.

17. No person shall, except by order of the House of Assembly, open any election papers relating to the election of members to serve in the General Assembly so as aforesaid returned to the Colonial Secretary, and in his custody, and no person shall except by order of the Court of Common Pleas or the Judge thereof open any election papers relating to the election of members to serve in any of the Vestries, so as aforesaid returned to the chairman of the Vestry of each of the several parishes and in his custody; such order may be made subject to such conditions as to person, time, place, and mode of opening or inspection as the House of Assembly or the Court of Common Pleas or the Judge thereof making the order may think expedient; provided that in making and carrying into effect any such order, care should be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by competent authority to be invalid; and such papers shall be re-sealed at such time and in such manner as the House of Assembly or the Judge of the Court of Common Pleas may respectively from time to time direct.

Production by Colonial Secretary or chairman of a Vestry, of documents un-

18. When an order is made for the production by the Colonial Secretary or the chairman of any of the Vestries of any document in either of their possessions relating to any specified election, the production by such Colonial Sec-

Ballot Act.

retary of the document ordered by the House of Assembly in such manner as may be directed by such order, or the production by such chairman of Vestry of the document ordered by the Court of Common Pleas or the Judge thereof in such manner as may be directed by such order or by rule of the Court of Common Pleas, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of papers produced by such Colonial Secretary or chairman of the Vestry shall be evidence of such papers being what they are stated to be by the indorsement. The production from proper custody of a ballot paper purporting to have been used at any election and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be prima facie evidence that the person who voted by such ballot paper was the person who at the time of such election had annexed to his name in the register at such election the same number as the number written on such counterfoil.

der any such order as aforesaid to be conclusive evidence that such documents are the ones required

Production of ballot paper prima facie evidence of identity of voter.

*Offences at elections.***19.** Every person who

(1) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

Offences in respect of ballot papers and ballot boxes.

(2) without due authority supplies any ballot paper to any person; or

(3) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or

(4) fraudulently takes out of the polling place any ballot paper; or

(5) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election;

shall be guilty of a misdemeanour, and be liable, if he is a sheriff, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour. Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable. In any indictment or other prosecution for an offence

Ballot Act.

in relation to the ballot boxes and ballot papers at an election, the property in such boxes and papers may be stated to be in the sheriff at such election, as well as the property in the counterfoil.

**Infringement of
secrecy.**

20. Every person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting in such place, and shall not communicate, except for some purpose authorized by law, before the poll is closed to any person any information as to the name or number on the register of any elector who has or has not applied for a ballot paper, or voted at that polling place, or as to the official mark, and no such person whosoever shall interfere with or attempt to interfere with an elector when marking his vote, or otherwise attempt to obtain in the polling place information as to the candidate for whom any voter in such election is about to vote or has voted, or communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter in such polling place is about to vote or has voted, or as to the number on the back of the ballot paper given to any elector at such polling place. Every such person in attendance at the counting of votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any elector to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for whom he has so marked his vote. Every person who acts in contravention of the provisions of this section shall be liable on summary conviction before a Police Magistrate to imprisonment for any term not exceeding six months, with or without hard labour.

General provisions.

**Polling place to
be furnished with
compartments.**

21. Each polling place shall be furnished with one or more compartments as shall be necessary, in which the electors can mark their votes screened from observation.

**Directions for
the guidance of
electors to be
printed and pla-
carded in various
places.**

22. Directions for the guidance of the electors in voting according to the form set forth in schedule A to this Act shall be printed in conspicuous characters and placarded in various places outside and inside of every polling place, and in addition thereto in every compart-

Ballot Act.

ment of every polling place, and be illustrated by examples of the ballot paper.

23. The Parochial Treasurer of each parish shall within three days before polling day provide such ballot boxes, ballot papers, polling compartments, materials for electors to mark the ballot papers, directions for the guidance of electors in voting, and such other things as may be necessary for effectually conducting any election in manner provided by this Act. All expenses incurred by any Parochial Treasurer in carrying into effect the provisions of this Act shall be allowed him in the passing of his accounts before the Vestry of the parish for which he shall be Parochial Treasurer.

Parochial Treasurer of each parish to provide ballot boxes &c. within three days before polling day.

24. Where in this Act any expressions are used, requiring or authorizing or inferring that any act or thing is to be done in the presence of the candidates or of the persons who proposed them or any other persons nominated by them for the purpose, such expressions shall be deemed to refer to the presence of such of the candidates or of the persons who proposed them, or of any other persons nominated by them for the purpose as may be authorized to attend, and as have in fact attended at the time and place where such act or thing is being done, and the non-attendance of any candidate, or of any person who proposed him or of any of the persons nominated by him for the purpose at such time and place, shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.

Non-attendance of candidate, &c. in whose presence any act is to, or may, be done, not to invalidate act done.

25. Every sheriff and every other person authorised to attend a polling place or at the counting of the votes shall, before the opening of the poll, make the oath of secrecy according to the form prescribed in schedule B to this Act; if he is the sheriff, before either of the candidates or either of the persons who proposed either of them or before any Justice of the Peace present, or if he is any other person, before the sheriff or any Justice of the Peace present.

Oath of secrecy by and before whom to be taken.

26. If any person misconduct himself in the polling place or fails to obey the lawful orders of the sheriff, he may immediately by order of the sheriff be removed from the polling place by any police or parish constable in or near that place, or any other person authorized in writing by the sheriff to remove him, and the person so removed shall not unless with the permission of the sheriff again be allowed to enter the polling place during the day.

Keeping of order in the polling place.

Ballot Act.

The powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling place from having an opportunity of voting at such polling place.

Prohibition of disclosure of vote.

27. No elector who has voted at an election shall in any legal proceeding to question the election or return be required to state for whom he has voted.

Effect of mistake in use of form given in schedule.

28. No election shall be declared invalid by reason of any mistake in the use of the form in the schedule marked A to this Act annexed, if it appears to the authority having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such mistake did not affect the result of the election.

Vote to be struck off for bribery, treating or undue influence.

29. When a candidate on the trial of any petition to controvert any election is proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence in respect of any person who voted at such election, or where any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election as agent, clerk, messenger, or in any other employment, is proved on such trial to have voted at such election, there shall be struck off from the number of votes appearing to have been given to such candidate, one vote for every person who voted at such election and is proved to have been so bribed, treated, or unduly influenced, or so retained or employed for reward as aforesaid.

Effect of schedule.

30. Schedule A to this Act and the notes thereto and directions therein shall be construed and have effect as part of this Act.

Ballot Act.

SCHEDULE A.

FORM OF BALLOT PAPER.

Form of front of Ballot Paper.

1	ATWELL. (SAMUEL JOHN ATWELL, of Emerald Plantation, Christ Church, Landed Proprietor.)	
2	GREAVES. (WILLIAM HERBERT GREAVES, of Stratford Lodge, St. Michael, Barrister-at-Law.)	
3	PILE. (ARCHIBALD JONES PILE, of Green's Plantation, St. George, Landed Proprietor.)	
4	YEARWOOD. (TIMOTHY YEARWOOD, of Edghill Plantation, St. Thomas, Landed Proprietor.)	

COUNTERFOIL.

No.

NOTE.

The Counterfoil is to have a number to correspond with that on the back of the ballot paper.

Form of back of Ballot Paper.

No.

Election for (House of Assembly or Vestry as the case may be) for (parish of _____ or city of Bridgetown as the case may be) 18 _____

NOTE—The number on the ballot paper is to correspond with that in the counterfoil.

1885—1.

Ballot Act.

Directions as to printing ballot paper.

Nothing is to be printed on the ballot paper except in accordance with this schedule.

The surname of each candidate, and, if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters as shown in the form, and the names, addresses, and descriptions, and the number on the back of the paper, shall be printed in small characters.

Form of directions for the guidance of the elector in voting which shall be printed in conspicuous characters, and placarded in various places outside and inside of every polling place, and in addition thereto in every compartment of every polling place.

The voter may vote for _____ candidate.

The voter will go into one of the compartments and with the pencil provided in the compartment place a cross on the right hand side opposite the name of each candidate for whom he votes, thus—x.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the sheriff, and then, in the presence of the sheriff, put the paper into the ballot box, and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper he can return it to the sheriff, who will if satisfied of such inadvertence give him another paper.

If the voter votes for more than _____ candidates or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given him by the sheriff, he will be guilty of a misdemeanour, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note—These directions shall be illustrated by examples of the ballot paper.

1885—1.

Ballot Act.

SCHEDULE B.

I solemnly make oath and say that I will not at this election for do anything forbidden by section twenty of the Ballot Act, 1885, which has been read to me.

Note—The section must be read to the person taking the oath by the person administering it.

1885—2.

An Act to regulate the Sale of Poisons.

[27 June 1885.]

WHEREAS the unrestricted sale of poisons facilitates the commission of crime and is the cause of many dangers to the health and life of individuals, and it is therefore deemed expedient that such sale should be regulated by law: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Sale of Poisons Act, Short title. 1885.

2. The several articles named and described in the schedule A annexed hereto shall be deemed to be poisons within the meaning of this Act, and the Governor-in-Executive Committee may from time to time by resolution declare that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and such resolution shall be advertised three times in the Official Gazette, and, on the expiration of one month from the last of such advertisements, the article named in such resolution shall be deemed to be a poison within the meaning of this Act.

Articles named in schedule A to be deemed poisons within the meaning of this Act. Additions to the list may be made by Governor-in-Executive Committee.

3. No poison shall be sold by any person either by wholesale or by retail unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article, and the word "poison," and with the name and address of the seller of the poison; and it shall be unlawful to sell any poison of those which

Regulations to be observed on the sale of poisons.

Sale of Poisons Act.

are in schedule A to this Act, or may hereafter be added thereto under the preceding section of this Act, to any person unknown to the seller unless such purchaser be introduced to the seller by some person known to him, or present a written order from a person whose handwriting shall be known to him; and on every sale of any such poison the seller shall before delivery make or cause to be made an entry in a book to be kept by him for that purpose, stating in the form set forth in schedule B annexed to this Act the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person (if any) who introduced him shall be affixed, or on whose order it was delivered.

Penalty for
violating this
Act.

4. Any person selling poison otherwise than is herein provided shall, if summarily convicted thereof before any Police Magistrate on the complaint of any person whomsoever, be liable to a penalty not exceeding five pounds for the first offence, and to a penalty not exceeding ten pounds for the second or any subsequent offence, and for the purposes of this Act the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller.

Cases to which
this Act does not
apply.

5. The provisions of this Act shall not apply to patent medicines, or to homœopathic attenuated medicines, or to any medicine supplied by a legally qualified medical practitioner to his patients, or to any article when forming part of the ingredients of any medicine dispensed or sold by a chemist or druggist; provided such medicine so aforesaid supplied, dispensed, or sold be distinctly labelled with the name and address of the seller.

Proviso.

Sellers of
poisons may be
called on to
produce at any
Coroner's
investigation the
books kept by
them under this
Act.

6. Any Coroner may on any investigation being held before him call on any seller of poisons to produce for examination the books kept by him in accordance with the provisions of this Act, and any seller of poison who shall fail to produce the said books when called on to do so shall be liable to a penalty not exceeding fifty shillings, to be imposed and recovered in the manner specified in section six of the Coroner's Act, 1891; but the provisions of this section shall not be deemed in anywise to diminish the liability of any person selling poison to be called on to produce before a Coroner or any other person the said or any other books or documents the production of which may now be by law compelled.

1885—2.

Sale of Poisons Act.

SCHEDULE A.

Aconite, and its preparations.
Arsenic, and its preparations.
Belladonna, and its preparations.
Barium—salts of.
Cantharides.
Corrosive Sublimate, and all other poisonous preparations
of Mercury.
Chloroform.
Chloral Hydrate.
Croton Oil.
Ergot of Rye, and its preparations.
Essential Oil of Almonds unless deprived of its Prussic acid.
Nux Vomica, and its preparations.
Opium, and all preparations of opium or poppies.
Oxalic Acid.
Poisonous Glucosides.
Phosphorus.
Prussic Acid.
Potassium Cyanide, and all metallic cyanides.
Savin, and its oil.
Strychnine, and all poisonous vegetable alkaloids and their
salts.
Tartar Emetic.

SCHEDULE B.

Date.	Name and address of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature of purchaser.	Signature of person in- troducing purchaser.

1885—3.

Corrupt Practices Prevention Act.

1885—3.

An Act to prevent Bribery, Treating, and Undue Influence at the Elections of Members for the General Assembly, and the several Vestries of this Island.

[17 July 1885.]

WHEREAS it is deemed expedient to legislate for the prevention of bribery, treating, and undue influence at the election of members for the General Assembly, and the several Vestries of this Island: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title 1. This Act may be cited as the Corrupt Practices Prevention Act, 1885.

Definitions. 2. Throughout this Act in the construction thereof, except there be something in the subject or context repugnant to such construction,

the word "election" shall mean the election of any member or members to serve in the General Assembly or in any of the Vestries of this Island;

the words "returning officer" shall apply to any person or persons to whom by virtue of his or their office under any law, custom, or statute the execution of any writ or precept doth or shall belong for the election of a member or members to serve in the General Assembly or in any of the Vestries of this Island, by whatever name or title such person or persons may be called;

the word "voter" shall mean any person who has or claims to have a right to vote in the election of a member or members to serve in the General Assembly or in any of the Vestries of this Island; and

the words "candidate at an election" shall include all persons elected as members to serve in the General Assembly or in any of the Vestries of this Island at such election, and all persons nominated as candidates, or who shall have declared themselves candidates at or before such election.

What persons to be deemed guilty of giving bribes or bribery. 3. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

(1) Every person who shall directly or indirectly by himself, or by any other person on his behalf, give, lend, or agree to give, or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person

Corrupt Practices Prevention Act.

on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election.

(2) Every person who shall directly or indirectly by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election.

(3) Every person who shall directly or indirectly by himself or by any other person on his behalf make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the General Assembly or in any of the Vestries of this Island, or the vote of any voter at any election.

(4) Every person who shall upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavour to procure, the return of any person to serve in the General Assembly, or in any of the Vestries of this Island, or the vote of any voter at any election.

(5) Every person who shall advance or pay or cause to be paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or re-payment of any money wholly or in part expended in bribery at any election.

And any person so offending shall be liable to forfeit the sum of one hundred pounds to any person who shall sue for the same, together with full costs of suit.

4. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

(1) Every voter who shall before or during any election directly, or indirectly by himself or by any other person on his behalf receive, agree, or contract for, any money, gift, loan, or valuable consideration, office, place or employment, What persons to be deemed guilty of receiving bribes or bribery.

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ment for himself or for any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election.

(2) Every person who shall after any election, directly, or indirectly by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote, or to refrain from voting at any election.

And any person so offending shall be liable to forfeit the sum of ten pounds to any person who shall sue for the same together with full costs of suit.

Corrupt payment
of rates or taxes
punishable as
bribery.

5. Any person, either directly or indirectly, corruptly paying any rates or taxes on behalf of any rate-payer for the purpose of enabling him to be registered as a voter thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate or tax on behalf of any voter for the purpose of inducing him to vote or refrain from voting, and also any person, on whose behalf and with whose privity any such payment as in this section is mentioned is made, shall be deemed guilty of bribery and shall be punishable accordingly.

Treating defined.

6. Any person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part, the expense of giving or providing any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, entertainment, or provision shall be guilty of treating, and shall be punishable accordingly.

Undue influence
defined.

7. Every person who shall directly or indirectly by himself or by any other person on his behalf make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten the infliction by himself or by or through any other person of any temporal or spiritual injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from vot-

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ing at any election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and shall be liable to forfeit the sum of fifty pounds to any person who shall sue for the same together with full costs of suit.

8. Whenever it shall be proved before the revising officer that any person who is or claims to be placed on the list or register of voters for the city of Bridgetown, or any parish, has been convicted of bribery, treating, or undue influence at an election, or that judgment has been obtained against any such person for any penal sum hereby made recoverable in respect of the offences of bribery, treating, or undue influence, or either of them, then and in that case such revising officer shall, in case the name of such person is in the list of voters, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim, and the names of all persons, whose names shall be so expunged from the list of voters, and whose claims shall be so disallowed, shall be thereupon inserted in a separate list to be entitled, "The list of persons disqualified for bribery, treating, or undue influence," which last mentioned list shall be appended to the list or register of voters, and shall be printed and published or copied therewith whenever the same shall be or is required to be printed or published or copied; and the revising officer shall have and exercise under this Act the powers conferred on him by section twenty of the Representation of the People Act, 1901.

Names of offenders to be struck out of registers of voters and inserted in separate list.

9. No candidate before, during, or after any election shall in regard to such election by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such election, or to or for any inhabitant of the city of Bridgetown or parish for which such election is had, any cockade, ribbon, or other mark of distinction, and every person so giving or providing shall for every such offence forfeit the sum of two pounds to such person as shall sue for the same, together with full costs of suit, and all payments made for or on account of any chairing, or any such cockade, ribbon, or mark of distinction as aforesaid, or of any bands of music or flags or banners, shall be deemed illegal payments within this Act.

No cockades &c., to be given at elections.

Penalty.

Payments for cockades &c., to be deemed illegal.

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Voters not compellable to serve as special constables during any election.

10. No person having a right to vote at the election for the city of Bridgetown or any parish shall be liable or compelled to serve as a special constable at or during any election for a member or members to serve in the General Assembly or in any of the Vestries of this Island for such city or parish, unless he shall consent so to act, and he shall not be liable to any fine, penalty, or punishment whatsoever for refusing so to act, any statute, law, or usage to the contrary notwithstanding.

Penalties for bribery, treating, or undue influence, how to be recovered.

11. The pecuniary penalties hereby imposed for the offences of bribery, treating, or undue influence respectively shall be recoverable by action or suit by any person who shall sue for the same either in the court of Common Pleas or in the Assistant Court of Appeal, which latter court is hereby authorized and empowered to hear and determine all such cases under this Act, and to enforce its decisions in such cases in the manner usual in cases brought before that court and coming within its original legal jurisdiction.

What allegations sufficient in any action for any penalty for bribery, treating, or undue influence.

12. In any action or suit for any penalty for bribery, treating, or undue influence it shall be sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of bribery, treating, or undue influence (as the case may require); and in any action or suit relating to any such offence the certificate of the returning officer in this behalf shall be sufficient evidence of the due holding of the election, and of any person therein named having been a candidate thereat.

Limitation of actions.

13. No person shall be liable to any penalty or forfeiture hereby enacted or imposed unless some action or suit for the offence committed shall be commenced against such person within the space of one year next after such offence against this Act shall be committed, and unless such person shall be summoned or otherwise served with writ or process within the same space of time, so as such summons or service of writ or process shall not have been prevented by such person absconding or withdrawing out of the jurisdiction of the court out of which such writ or other process shall have issued, and in case of any such suit or process as aforesaid the same shall be proceeded with and carried on without any wilful delay.

In actions for penalties parties and their husbands or wives to be competent witnesses.

14. On the trial of any action for the recovery of any penalty under this Act, the parties to such action, and the husbands and wives of such parties respectively, shall be competent and compellable to give evidence in the same manner as parties and their husbands and wives are competent and

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compellable to give evidence in actions and suits under the Evidence Act, 1905, but subject to and with the exceptions contained in such Act ; provided always that any such evidence shall not thereafter be used in any indictment or criminal proceeding against the party giving it. Proviso.

15. If any candidate at any election for the city of Bridgetown or any parish shall have judgment given against him in an action brought to recover any of the penalties imposed by this Act for bribery, treating, or undue influence at such election, or if on the controverting of such election shall be declared by the House of Assembly to have been guilty of or to have known and consented to bribery, treating, or undue influence at such election, such candidate shall be incapable of being elected or sitting in the General Assembly, or in any of the Vestries of this Island for five years from the date of such judgment or declaration aforesaid, and his seat (if he has been elected) shall from the date of such judgment or declaration as aforesaid be deemed vacant. Privileges lost by candidate declared guilty of bribery, treating, or undue influence.

16. Nothing herein provided or declared shall affect the right of any candidate to employ any agent for the purpose of conducting the affairs appertaining to the election of such candidate, but it shall not be lawful for any candidate to employ and pay more than two agents to act for him as aforesaid. Act not to affect right of any candidate to employ not more than two election agents.

17. When any breach of the provisions of this Act, treating, or undue influence has been committed by any agent without the knowledge or consent of his principal, then such principal shall in no way be subjected to the penalties incurred by the infringement of such provisions by such agent. Any breach of this Act by an agent without his principal's knowledge or consent, not to affect principal.

18. The court, before which any action or suit for any of the penalties imposed by the provisions of this Act is brought, shall call upon the plaintiff to give security for costs. Plaintiff in any action under this Act to give security for costs.

An Act to regulate the business of Pawnbrokers.

[15 August 1885].

WHEREAS it is expedient to regulate the business of pawn-brokers : Be it therefore enacted by the Governor, Council, Preamble.

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and Assembly of this Island, and by the authority of the same, as follows :—

Preliminary.

Short title. 1. This Act may be cited as the Pawnbrokers Act, 1885.

Schedules and notes to have effect as part of Act. 2. The schedules to this Act, including the notes thereto, shall have effect as part of this Act.

Definitions ; application of Act.

Interpretation. 3. In this Act “Pawnbroker” includes every person who carries on the business of taking goods and chattels in pawn ;

“Pledge” means an article pawned with a pawnbroker ;

“Pawner” means a person delivering an article for pawn to a pawnbroker ;

“Shop” includes dwelling-house and warehouse, or other place of business, or place where business is transacted ;

“Unfinished goods or materials” includes any goods of any manufacture, or of any part or branch of any manufacture either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after such goods or materials are put into a state or course of manufacture, or into a state for any process or operation to be performed thereupon or therewith, and before the same are completed or finished for the purpose of wear or consumption ;

“Constable” includes any peace officer ;

“Justice” means the Police Magistrate having jurisdiction in the parish where the matter requiring the cognizance of a Justice arises ;

“Court of summary jurisdiction” means any Police Magistrate having jurisdiction.

Extension of Act to keepers of certain shops. 4. In order to prevent evasion of the provisions of this Act, the following persons shall be deemed to be persons carrying on the business of taking goods and chattels in pawn, that is to say, every person who keeps a shop for taking in goods or chattels by way of security for money advanced thereon, and who purchases or receives or takes in goods or chattels, and pays or advances or lends thereon any sum of money not exceeding ten pounds, with or under an agreement or understanding expressed or implied, or to be from the nature and character of the dealing reasonably inferred, that those goods or chattels may be afterwards re-

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deemed or re-purchased on any terms ; and every such transaction, article, payment, advance, and loan shall be deemed a pawning, pledge, and loan respectively within this Act.

5. The provisions of this Act relating to pawnbrokers shall extend to and include the executors or administrators of deceased pawnbrokers, except that an executor or administrator shall not be answerable for any penalty or forfeiture personally or out of his own estate, unless the same is incurred by his own act or neglect. Executors, &c., of pawnbrokers.

6. For the purposes of this Act anything done or omitted by the servant, apprentice, or agent of a pawnbroker in the course of or in relation to the business of the pawnbroker shall be deemed to be done or omitted (as the case may be) by the pawnbroker ; and anything by this act authorized to be done by a pawnbroker may be done by his servant, apprentice, or agent. Agents, servants, apprentices, &c., of pawnbrokers.

7. The rights, powers, and benefits by this Act reserved to and conferred on pawners shall extend to and be deemed to be reserved to and conferred on the assigns of pawners ; and to and on the executors or administrators of deceased pawners ; but any person representing himself to a pawnbroker to be the assign executor or administrator of a pawnbroker shall, if required by the pawnbroker, produce to the pawnbroker the assignment, letters testamentary, letters of administration, or other instrument under which he claims. Assigns, executors, &c., of pawners.

8. This Act shall apply

(1) To every loan by a pawnbroker of forty shillings or under. Application of Act in respect of loans.

(2) To every loan by a pawnbroker of above forty shillings and not above ten pounds, except as in this Act otherwise provided in relation to cases where a special contract respecting the terms of the loan (as authorized by this Act) is made between the pawner and the pawnbroker at the time of the pawning. Nothing in this Act shall apply to a loan by a pawnbroker of above ten pounds, or to the pledge on which the loan is made, or to the pawnbroker or pawner in relation to the loan or pledge ; and notwithstanding anything in this Act, a person shall not be deemed a pawnbroker by reason only of his paying, advancing, or lending on any terms any sum or sums of above ten pounds.

General obligation of pawnbrokers.

9. A pawnbroker shall keep and use in his business such books and documents as are described in the first schedule to this Act, in the forms therein indicated or to the like Pawnbrokers to keep books, &c., as in schedule.

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effect, and shall from time to time as occasion requires enter therein in a fair legible manner the particulars indicated in and in accordance with the directions of that schedule, and shall make all enquiries necessary for that purpose. If a pawnbroker fails in any respect to comply with the requisitions of this section he shall be guilty of an offence against this Act.

Pawnbrokers to keep names over doors, and tables of rates, &c., exhibited in shops.

10. A pawnbroker shall observe the following rules:

(1.) He shall always keep exhibited in large characters over the outer door of his shop his christian name or names and surname with the word, pawnbroker.

(2.) He shall always keep placed in a conspicuous part of his shop (so as to be legible by every person pawning or redeeming pledges) the same information as is by the rules of the first schedule to this Act required to be printed on pawn tickets.

If a pawnbroker fails in any respect to comply with the requisitions of this section he shall be guilty of an offence against this Act.

Pawnings; redemption; sale.

Pawn tickets to be given for pledges.

11. A pawnbroker shall on taking a pledge in pawn give to the pawner a pawn ticket, and shall not take a pledge in pawn unless the pawner takes the pawn ticket.

Profit and charges allowed to pawnbrokers.

12. A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in the second schedule to this Act.

A pawnbroker may demand and take the charges specified in the same schedule, in the cases and according to the rules therein stated and prescribed.

A pawnbroker shall not in respect of a loan on a pledge take any profit or demand or take any charge or sum whatever other than those specified in the same schedule.

A pawnbroker shall if required at the time of redemption give a receipt for the amount of loan and profit paid to him.

Pledges redeemable within one year with seven days of grace.

13. Every pledge shall be redeemable within twelve months from the day of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace within which every pledge (if not redeemed within the year of redemption) shall continue to be redeemable.

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14. A pledge pawned for ten shillings or under, if not redeemed within the year of redemption and days of grace, shall at the end of the days of grace become and be the pawnbroker's absolute property. Pledges for 10/- or under not redeemed in time forfeited.

15. A pledge pawned for above ten shillings shall further continue redeemable until it is disposed of as in this Act provided, although the year of redemption and days of grace are expired. Pledges above 10/- redeemable until sale.

16. A pledge pawned for above ten shillings shall, when disposed of by the pawnbroker, be disposed of by sale by public auction and not otherwise; and the regulations in the third schedule to this Act shall be observed with reference to the sale. Sale by auction of pledges above 10/-.

A pawnbroker may bid for and purchase at a sale by auction made or purporting to be made under this Act a pledge pawned with him; and on such purchase he shall be deemed the absolute owner of the pledge purchased.

17. If an auctioneer does anything in contravention of the provisions of this Act relating to auctioneers, or fails to do anything which he is required by this Act to do, he shall be guilty of an offence against this Act. Offences by auctioneers

18. At any time within three years after the auction at which a pledge pawned for above ten shillings is sold, the holder of the pawn ticket may inspect the entry of the sale in the pawnbroker's book, and in the account sales of the auction (authenticated by the signature of the auctioneer), or in either of them. Power to inspect sale book.

19. Where a pledge pawned for above ten shillings is sold and appears from the pawnbroker's book to have been sold for more than the amount of the loan and profit due at the time of sale, the pawnbroker shall on demand pay the surplus to the holder of the pawn ticket, in case the demand is made within three years after the sale, the necessary costs and charges of the sale being first deducted. Pawnbroker to account for surplus within three years, subject to set-off.

If on any such demand it appears from the pawnbroker's book that the sale of a pledge or pledges has resulted in a surplus, and that within twelve months before or after that sale the sale of another pledge or other pledges of the same person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus, and shall be liable to pay the balance only after such set-off.

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Offences as to
pledges for
above 10/.

20. If with respect to pledges for loans of above ten shillings a pawnbroker,

(1) Does not *bonâ fide*, according to the directions of this Act, sell a pledge pawned with him ;

(2) Enters in his book a pledge as sold for less than the sum for which it was sold, or fails duly to enter the same ;

(3) Refuses to permit any person entitled under this Act to an inspection of an entry of sale in the pawnbroker's book, or in the account sales of the auction authenticated by the auctioneer's signature, to inspect the same ;

(4) Fails without lawful excuse (proof whereof shall lie on him) to produce such account sales on lawful demand ;

(5) Refuses to pay on demand the surplus to the person entitled to receive the same ;

he shall in every such case be guilty of an offence against this Act, and shall be liable on conviction thereof in a court of summary jurisdiction to forfeit to the person aggrieved a sum not exceeding ten pounds.

Special Contracts,

Power to make
special contracts
subject to re-
strictions.

21. Notwithstanding anything in this Act, a pawnbroker may make a special contract with the pawner in respect of a pledge on which the pawnbroker makes a loan of above forty shillings ; provided always that

(1) The pawnbroker at the time of the pawning shall deliver to the pawner a special contract pawn ticket, signed by the pawnbroker.

(2) A duplicate of the special contract pawn ticket shall be signed by the pawnbroker.

The provisions of this Act save as far as the application thereof is excluded by the terms of the special contract shall apply thereto.

Delivery of pledge.

Holder of pawn
ticket entitled to
redeem.

22. The holder for the time being of a pawn ticket shall be presumed to be the person entitled to redeem the pledge, and subject to the provisions of this Act the pawnbroker shall accordingly (on payment of the loan and profit) deliver the pledge to the person producing the pawn ticket, and he is hereby indemnified for so doing.

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23. A pawnbroker shall not (except as in this Act provided) be bound to deliver back a pledge unless the pawn ticket for it is delivered to him. Production of pawn ticket on redemption.

24. Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable, on application within the period during which the pledge would have been redeemable, to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty five per cent. on the amount of the loan. Liability of pawnbroker in case of fire.

A pawnbroker shall be entitled to insure to the extent of the value so estimated.

25. If a person entitled and offering to redeem a pledge shows to the satisfaction of a court of summary jurisdiction that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect, or wilful misbehaviour of the pawnbroker, the court may, if it thinks fit, award reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker (as the case requires) in such manner as the court directs. Compensation for depreciation of pledge.

26. The following provisions shall have effect for the protection of owners of articles pawned, and of pawners not having their pawn tickets to produce :— Protection of owners and of pawners not having pawn tickets.

(1) Any person claiming to be the owner of a pledge but not holding the pawn ticket, or any person claiming to be entitled to hold a pawn ticket but alleging that the same has been lost, mislaid, destroyed, or stolen, or fraudulently obtained from him, may apply to the pawnbroker for a form of declaration, which the pawnbroker shall deliver to him ;

(2) If the applicant delivers back to the pawnbroker the declaration duly made before a Justice by the applicant, and by a person identifying him, the applicant shall thereupon have, as between him and the pawnbroker, all the same rights and remedies as if he produced the pawn ticket ; provided that such declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than on the third day after the day on which the form is delivered to the applicant by the pawnbroker (exclusive of a day or days on which the pawnbroker is prohibited from carrying on business) ;

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(3) The pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid ;

(4) The pawnbroker is hereby further indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or is false in any material particular. If any person makes a declaration under this Act either as an applicant or as identifying an applicant knowing the same to be false in any material particular he shall be guilty of a misdemeanour, and shall be liable to the punishment attached by law to perjury.

27. In each of the following cases,

Delivery to owner of property unlawfully pawned.

(1) If any person is convicted under this Act in a court of summary jurisdiction of knowingly and designedly pawning with a pawnbroker anything being the property of another person, the pawner not being employed or authorized by the owner thereof to pawn the same ;

(2) If any person is convicted in any court of feloniously taking or fraudulently obtaining any goods and chattels, and it appears to the court that the same have been pawned with a pawnbroker ;

(3) If in any proceedings before a court of summary jurisdiction it appears to the court that any goods and chattels brought before the court have been unlawfully pawned with a pawnbroker ;

the court on proof of the ownership of the goods and chattels may, if it thinks fit, order the delivery thereof to the owner, either on payment to the pawnbroker of the amount of the loan, or of any part thereof, or without payment thereof, or of any part thereof, as to the court, according to the conduct of the owner and the other circumstances of the case, seems just and fitting.

Summary order for delivery of pledges to persons entitled.

28. If a pawnbroker, without reasonable excuse (proof whereof shall lie on him), neglects or refuses to deliver a pledge to the person entitled to have delivery thereof under this Act, he shall be guilty of an offence against this Act, and a court of summary jurisdiction may, if the court thinks fit, with or without imposing a penalty, order the delivery of the pledge on payment of the amount of the loan and profit.

*Pawnbrokers Act.**General restrictions on pawnbrokers.*

29. If a pawnbroker does any of the following things : Prohibitions of purchasing pledges, taking pledges from children, &c.

(1) Takes an article in pawn from any person appearing to be under the age of twelve years or to be intoxicated ;

(2) Purchases or takes in pawn or exchanges a pawn ticket issued by another pawnbroker ;

(3) Employs any servant or apprentice or other person under the age of sixteen years to take pledges in pawn ;

(4) Carries on the business of a pawnbroker on Sunday, Good Friday, or Christmas Day, or a day appointed for public fast humiliation or thanksgiving ;

(5) Under any pretence purchases, except at public auction, any pledge while in pawn with him ;

(6) Suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it ;

(7) Makes any contract or agreement with any person pawning or offering to pawn any article or with the owner thereof for the purchase, sale, or disposition thereof within the time of redemption ;

(8) Sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as authorized by this Act ;

he shall be deemed guilty of an offence against this Act.

Unlawfully pawning and taking in pawn.

30. If any person knowingly and designedly pawns with a pawnbroker anything being the property of another person, the pawner not being employed or authorized by the owner thereof to pawn the same, he shall be guilty of an offence against this Act, and shall be liable on conviction thereof in a court of summary jurisdiction to forfeit any sum not exceeding five pounds, and in addition thereto any sum not exceeding the full value of the pledge as ascertained by the court. Unlawful pawning of goods not property of pawner.

The forfeitures when recovered shall be applied towards making satisfaction thereout to the party injured, and defraying the costs of prosecution as the court directs ; but if the party injured declines to accept of such satisfaction and costs, or if there is any surplus of the forfeitures, then the forfeitures or surplus (as the case may be) shall be paid to

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the Parochial Treasurer of the parish where the offence is committed for the use of such parish.

Proceedings
where persons
offering articles
in pawn do not
give a good ac-
count of them-
selves.

31. If any person does any of the following things :

(1) offers to a pawnbroker any article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article ;

(2) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article ;

(3) not being entitled to redeem, and not having any colour or title by law to redeem, a pledge, attempts or endeavours to redeem the same ;

shall be guilty of an offence against this Act.

In every such case, and also in any case where, on an article being offered in pawn to a pawnbroker, he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person and the article, or either of them (as the case may be), and shall deliver the person and the article, or either of them (as the case may be), as soon as may be into the custody of a constable, who shall as soon as may be convey the person, if so detained, before the Justice to be dealt with according to law.

Prohibition of
taking in pawn
linen, clothing,
unfinished goods
&c., in certain
cases.

32. If a pawnbroker knowingly takes in pawn any linen or apparel, or unfinished goods or materials intrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, he shall be guilty of an offence against this Act, and shall be liable on conviction thereof in a court of summary jurisdiction to forfeit a sum not exceeding double the amount of the loan (which forfeiture shall be paid to the Parochial Treasurer of the parish where the offence is committed for the use of the parish), and the pawnbroker shall likewise restore the pledge to the owner thereof in the presence of the court, or as the court directs.

Search warrant
for linen &c., un-
lawfully pawn-
ed.

33. If the owner of any linen or apparel, or any unfinished goods, or materials intrusted to any person as aforesaid, and unlawfully pawned with a pawnbroker, or the owner of any other article unlawfully pawned with a pawnbroker (the last-mentioned owner having on oath satisfied a Justice that his goods have been unlawfully obtained or taken from him), makes out on oath before a Justice that there is good cause to suspect that a pawnbroker has taken

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in pawn the linen, apparel, goods, materials, or articles aforesaid, without the privity or authority of the owner, and makes appear to the satisfaction of the Justice the probable grounds for such suspicion, the Justice may issue his warrant for searching, within the hours of business, the shop of the pawnbroker.

If the pawnbroker on request by a constable authorized by the warrant refuses to open the shop, and permit it to be searched, a constable may break it open within the hours of business, and search as he thinks fit therein for the linen, apparel, goods, materials, or article aforesaid, doing no wilful damage, and if any pawnbroker or other person opposes or hinders the search he shall be guilty of an offence against this Act.

If on the search any linen, apparel, goods, materials or article aforesaid, is or are found, and the property of the owner thereof is made out to the satisfaction of a court of summary jurisdiction, the court shall cause the same to be forthwith restored to the owner thereof.

Licenses.

34. Every pawnbroker shall yearly and within fourteen days from the expiration of the preceding year take out from the Colonial Treasurer a license for carrying on his business, on which license there shall be charged and paid for the use of the public of this Island a duty of five pounds; provided always that any pawnbroker taking out a license in the present year, or for the first time in any subsequent year after the month of January, shall pay only for such license a proportionate part of the said sum of five pounds calculated from the day of his taking out the same to the thirty first day of December of the present or any subsequent year. Yearly license.
Proportionate part of a year.

Every license shall be dated the day on which it is issued, and shall determine on the thirty first day of December of the year in which it is so issued.

A separate license shall be taken out and paid for by a pawnbroker for each pawnbroker's shop kept by him.

If a person acts as a pawnbroker without having in force a proper license, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

All the provisions contained in any Act relating to licenses, duties or penalties, and in force at the passing of this Act, shall as far as the same are applicable have full effect with respect to the license and duty and penalty aforesaid.

Pawnbrokers Act.

- Cesser of license on conviction.** **35.** If a pawnbroker is convicted on indictment of any fraud in his business, or of receiving stolen goods, knowing them to be stolen, the court before which he is convicted may, if it thinks fit, direct that his license shall cease to have effect, and the same shall so cease accordingly.
- License not to be granted without certificates.** **36.** A pawnbroker's license shall not be granted to any person except on the production and in pursuance of the authority of a certificate granted under this Act.
- Certificates to be granted by Police Magistrates.** Any license granted in contravention of this section shall be void. **37.** Certificates under this Act shall be granted by a Police Magistrate sitting in any police court having jurisdiction in the district or parish where the application is made.
- Form and duration of certificate.** **38.** A certificate under this Act shall be in the form given in the fourth schedule to this Act, or to the like effect, and shall be in force until the thirty first day of December of the year in which it is granted.
- Certificate to be applied for by party desiring same.** **39.** An application for a certificate shall be made by the party desiring to obtain the same, and such certificate shall not be refused except on the following grounds or one of them :—
- Grounds of refusal of certificate.** (1) that the applicant has failed to produce satisfactory evidence of good character ;
(2) that the shop in which he intends to carry on the business of a pawnbroker, or any adjacent house or place owned or occupied by him, is frequented by thieves or persons of bad character.
- Forgery of certificate.** **40.** If any person forges a certificate or tenders a certificate knowing it to be forged, he shall on conviction thereof in a court of summary jurisdiction be liable to a penalty not exceeding ten pounds, or in the discretion of the court to imprisonment for any term not exceeding six months, with or without hard labour.
- A license granted in pursuance of a forged certificate shall be void ; and if any person makes use of a forged certificate knowing it to be forged, he shall be disqualified from obtaining at any time thereafter a pawnbroker's license.
- General penalty for offences.** **41.** If a pawnbroker or other person is guilty of an offence against this Act, in respect whereof a specific forfeiture or penalty is not described by this Act, he shall be

Penalties and legal proceedings.

Pawnbrokers Act.

liable on conviction thereof in a court of summary jurisdiction to a penalty not exceeding ten pounds.

42. Penalties recovered under this Act, not directed to be otherwise applied, may be applied under direction of the court in which they are recovered as follows :—

(1) Where the complainant is the party aggrieved, one moiety of the penalty may be paid to him ;

(2) Where the complainant is not the party aggrieved, there shall be paid to him no part or such part only of the penalty as the court thinks fit.

43. Where an information or complaint of any offence against this Act (not being an offence against any provision of this Act relating to licenses) is laid or made before a Justice or court of summary jurisdiction and is not further prosecuted, or if any such information or complaint is further prosecuted, but it appears to the court of summary jurisdiction by which the case is heard that there was no sufficient ground for the making of the charge, the Justice or court shall have power to award such amends, not exceeding the sum of five pounds, to be paid by the informer or complainant to the party informed or complained against for his loss of time and expenses in the matter, as to the Justice or the court may seem meet ; and every sum so awarded shall be recoverable as penalties under this Act are recoverable.

44. If any person lodges an information for an offence alleged to have been committed against this Act, by which he was not personally aggrieved, and afterwards directly or indirectly receives without the permission of a Justice any sum of money or other reward for compounding, delaying, or withdrawing the information, he shall be guilty of an offence against this Act.

45. If any person utters, produces, shows, or offers to a pawnbroker a pawn ticket which the pawnbroker reasonably suspects to have been counterfeited, forged, or altered, the pawnbroker may seize and detain the person and the ticket, or either of them, and shall deliver the person and the ticket, or either of them (as the case may be) as soon as may be into the custody of a constable, who shall as soon as may be convey the person if so detained before a Justice to be dealt with according to law.

46. A pawnbroker shall at any time, when ordered or summoned by a court of summary jurisdiction, attend before the court and produce all books and papers relating to his business which he is required by the court to produce.

Pawnbrokers Act.

If he fails to do so he shall be guilty of an offence against this Act.

Contracts not void on account of offences.

47. Where a pawnbroker is guilty of an offence against this Act (not being an offence against any provision of this Act relating to licenses), any contract of pawn or other contract made by him in relation to his business of pawnbroker shall nevertheless not be void by reason only of that offence, nor shall he by reason only of that offence lose his lien or right to the pledge, or to the loan and profit: but nothing in this section shall restrict the operation of any provision of this Act providing for the delivery of any goods and chattels, or the restoration of any linen, apparel, goods, materials, or articles to the owner, under the order of any court.

Right of appeal.

48. If any person thinks himself aggrieved by any conviction or order of a court of summary jurisdiction under this Act or by the refusal of a certificate for a license, he may appeal therefrom as in any other matter of summary jurisdiction.

Order or conviction not quashed for want of form.

49. No order or conviction of a court of summary jurisdiction against which a person is authorized by this Act to appeal shall be quashed for want of form.

Validity of warrants.

50. A warrant of commitment on a conviction by a court of summary jurisdiction under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to maintain the warrant, and it is alleged therein that the party has been convicted.

Protection of persons executing Act.

51. If any person is sued or prosecuted for anything done by him in pursuance or execution or intended execution of this Act, he may plead generally that the same was done in pursuance or execution or intended execution of this Act, and give the special matter in evidence.

The Schedules referred to in this Act.

THE FIRST SCHEDULE.

Forms of Books and Documents.

1885—4.

Pawnbrokers Act.

1. PLEDGE BOOK.

of
of
Pawnbroker
1885

For date of redemption.	For profit charged.	£ s. d. For amount of loan.	For no. of pledge in the month.	For name of pawner.	For address of pawner.	For name of owner if other than pawner.	For address of owner, if other than pawner.	For list of articles pawned as described on pawn ticket.
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Rule.

All entries in the last five columns respecting each pledge shall be made on the day of the pawning thereof, or within four hours after the end of that day.

2—PAWN TICKET.

A—For a loan of ten shillings or under.

Pawned with (*John Smith*) pawnbroker, (*21 High Street, Bridgetown*) this (15th) day of (*March 1885*) by (*Henry Williams*) of (*25, King Street, Bridgetown*) for the sum of (*ten*) shillings.—

(One black frockcoat.)

The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back :—

The pawnbroker is entitled to charge—

For this ticket—one half penny.

For profit on each two shillings or part of two shillings lent on this pledge for not more than one month—one half penny, and so on at the same rate per month.

After the first month any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.

This pledge must be redeemed within twelve months and

Pawnbrokers Act.

seven days from the date of pledging. At the end of that time it becomes the property of the pawnbroker.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty five per cent. on the amount of the loan.

If this ticket is lost, mislaid, or stolen the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Magistrate, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

B—For loan of above ten shillings and not above forty shillings.

Pawned with (*John Smith*) pawnbroker, (*21 High Street, Bridgetown*) this (16th) day of (*March 1885*) by (*Henry Williams*) of (*25, King Street, Bridgetown*) for the sum of (*eleven*) shillings.

(One grey tweed coat).

The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back :—

The pawnbroker is entitled to charge—

For this ticket—one penny.

For profit on each two shillings or part of two shillings lent on this pledge for not more than one month—one half penny, and so on at the same rate per month.

After the first month, any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days, and not more than one month, will be charged as one month.

If this pledge is not redeemed within twelve months and seven days from the day of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after the sale the pawner may inspect the account of the sale in the pawnbroker's books on payment of one penny and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge, after deducting the amount of loan and profit, such value to be the

Pawnbrokers Act.

amount of the loan and profit and twenty five per cent. on the amount of the loan.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Magistrate, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

C—*For loan of above forty shillings.*

Pawned with (*John Smith*) pawnbroker, (*21 High Street, Bridgetown*) this (17th) day of (*March 1885*) by (*Henry Williams*) of (*25 King Street, Bridgetown*) for the sum of forty five shillings.

(*One shooting coat.*)

The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back :—

The pawnbroker is entitled to charge :—

For this ticket--one penny.

For profit on each two shillings and sixpence or part of two shillings and sixpence lent on this pledge for every month or part of a month—one half penny.

If this pledge is not redeemed within twelve months and seven days from the day of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after, the pawner may inspect the account of the sale in the pawnbroker's books on payment of one penny and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty five per cent. on the amount of the loan.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Magistrate, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

Pawnbrokers Act.

3—SALE BOOK OF PLEDGES FOR LOANS OF ABOVE TEN SHILLINGS.

(Date and place of sale.)

(Name and place of business of auctioneer.)

For no. of pledge as in pledge book.	For date of pawning.	For name of pawner.	For amount of loan.	For amount for which pledge sold as stated by auctioneer.
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4—DECLARATION WHERE PLEDGE CLAIMED BY OWNER.

TAKE NOTICE if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a Magistrate and declared to and signed and delivered back to the pawnbroker not later than the day of the articles mentioned in it will be delivered to any person producing the pawn ticket.

I, A. B. of in pursuance of the Pawnbrokers Act, 1885, do solemnly and sincerely declare, that the article (or articles) described below is (or are) my property and that I believe they are pledged at the shop of—

The article (or articles) above-referred to is (or are) the following :—

And I, C. D. of in pursuance of the same Act do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A. B. of

Declared before me the Police Magistrate }
for the parish of }
this day of }
18 }

5—DECLARATION WHEN PAWN TICKET LOST, &c.

TAKE NOTICE if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a Magistrate and declared to and signed and delivered back to the pawnbroker not later than the day of the articles mentioned in it will be delivered to any person producing the pawn ticket.

1885—4.

Pawnbrokers Act.

I, A.B. of _____ in pursuance of the
Pawnbrokers Act, 1885, do solemnly and sincerely declare
that _____ pledged at the shop of _____ pawn-
broker, the article (or articles) described below being
property, and received a pawn ticket for the same which
has since been _____ by _____ ; and that the pawn
ticket has not been sold or transferred to any person by
to _____ knowledge or belief.

The article (or articles) above referred to is (or are) the
following :—

And I, C.D. of _____ in pursuance of the same
Act, do solemnly and sincerely declare that I know the per-
son now making the foregoing declaration to be A.B. of
Declared before me the Police Magistrate }
for the parish of _____ }
this _____ day of _____ }
18 _____ }

6—RECEIPT.

Date.

Received on redemption of pledge No.

Amount of loan.....

Profit

Total... ..

(A.B.)

Pawnbroker.

7—SPECIAL CONTRACT.

Special Contract, under the Pawnbrokers Act, 1885.

Pawned with (*John Smith*) pawnbroker (*21, High Street, Bridgetown,*) this (*18th day of April 1885*) by (*Henry Williams*) of (*25 King Street, Bridgetown*) for the sum of (*forty eight shillings.*)

(*One Marble Clock.*)

The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back :—

TERMS OF THE SPECIAL CONTRACT.

The pawnbroker charges—

For this ticket..... ..

Profit at the rate per month of..... ..

Pawnbrokers Act.

After the first month any time not exceeding fourteen days will be charged as half a month and any time exceeding fourteen days and not more than one month will be charged as one month.

The charge for storage of this pledge will be per month or any part of a month in addition to the charges above-mentioned.

This pledge is pawned for the period of (not less than three months).

After the expiration of that time the pledge may be sold by auction by the pawnbroker.

But it may be redeemed by the pawner at any time before the day of sale.

Within three years after sale the pawner may inspect the account of the sale in the pawnbroker's books on payment of , and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If this pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty-five per cent. on the amount of the loan, unless otherwise agreed upon by the pawner and pawnbroker.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Magistrate, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

(Signed)	(John Smith) pawnbroker.
(Signed)	(Henry Williams) pawner.

THE SECOND SCHEDULE.

Profits and charges allowed to pawnbrokers.

PART 1—PROFIT ON LOAN.

A. On a loan of forty shillings or under—

For any time during which the pledge remains in pawn not exceeding one month, for every two shillings or fraction of two shillings lent—one half penny.

For every month after the first, including the current month in which the pledge is redeemed, although that month

1885—4.

Pawnbrokers Act.

is not expired, for every two shillings or fraction of two shillings lent—one half penny.

Provisoes.

1. If the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall in respect of those fourteen days be entitled to take half of the amount which he would be entitled to take for the whole month.

B. On a loan of above forty shillings —
For every month or part of a month for every sum of two shilling and six pence or fraction of a sum of two shillings and sixpence—one half penny.

PART 2—CHARGE ON PAWN TICKET.

Where the loan is ten shillings or under..... one half penny.

Where the loan is above ten shillings one penny.

PART 3—CHARGE ON INSPECTION OF SALE BOOK.

For the inspection of the entry of a sale one penny.

PART 4—CHARGE ON FORM OF DECLARATION.

Where the loan is five shillings or under... ...one half penny.

Where the loan is above five shillings.....one penny.

Rule.

This sum is to be paid by the applicant at the time of application.

THE THIRD SCHEDULE.

REGULATIONS AS TO AUCTIONS OF PLEDGES ABOVE TEN SHILLINGS.

1. The auctioneer shall cause all pledges to be exposed to public view.

Pawnbrokers Act.

2. He shall insert in some public newspaper an advertisement giving notice of the sale and stating :—
 - (1) The pawnbroker's name and place of business :
 - (2) The month in which each pledge was pawned :
 - (3) The number of each pledge as entered at the time of pawning in the pledge book.
3. The advertisement of the pledges of each pawnbroker shall be separate from the advertisement of the pledges of any other pawnbroker.
4. The advertisement shall be inserted on two several days in the same newspaper and the second advertisement shall be inserted at least two days before the day of sale.
5. Where a pawnbroker bids at a sale, the auctioneer shall not take the bidding in any other form than than that in which he takes the bidding of other persons at the same sale ; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.
6. The auctioneer shall within seven days after the sale deliver to the pawnbroker account sales of the pledges sold by him on account of the pawnbroker and authenticated by the signature of the auctioneer.
7. The pawnbroker shall preserve every such account sale for three years at least after the auction.

 THE FOURTH SCHEDULE.

FORM OF CERTIFICATE OF MAGISTRATE.

I ((here insert the name and description of the Magistrate) do hereby certify that I authorized the grant to A.B. of _____ of a license to carry on the business of a pawnbroker within the parish of _____

Witness my hand this

day of

18

1885—5.

Saint Michael's Central Almshouse (Amendment) Act

1885—5.

An Act to amend the Saint Michael's Central Almshouse Act, 1880. (1880-2).

[15 August 1885.]

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows : [See 1880-2 and 1884-2]

1. This Act shall be read together with the Saint Michael's Central Almshouse Act, 1880, and may be cited as the Saint Michael's Central Almshouse (Amendment) Act, 1885. Short title.

2. The Vestry of the parish of Saint Michael, notwithstanding the terms of section two of the Saint Michael's Central Almshouse Act 1880, are hereby authorized to sell by private contract and convey to the Barbados Railway Company such portion of the lands of "The Almshouse" in Constitution Road referred to in the said section, and any buildings thereon which have been already taken possession of, or which may hereafter be required by the said company for the purposes of their undertaking, and to give and execute to the company a good and sufficient conveyance, or good and sufficient conveyances, for the same in the form prescribed by the Barbados Railway Company's Act, or as near thereto as circumstances will admit, and the said Vestry are hereby also authorized to enter into and complete any arrangement or arrangements with the company in respect of the purchase money of the said land and the amount of compensation (if any) to be paid for damage caused by the severance of the said land or otherwise ; and the said Vestry are hereby also authorized to receive the said purchase and compensation money (if any), and to give and execute to the company good and sufficient receipts and discharges for the same. Vestry, notwithstanding section 1 of St Michael's Central Almshouse Act 1880, may sell by private contract to The Barbados Railway Company certain portion of the lands of "The Almshouse" in Constitution.

3. The purchase or compensation money (if any) to be received by the said Vestry from the company, and also the money arising from the sale of the remaining portion of the lands of the said "The Almshouse" in Constitution Road and any buildings thereon, and arising also from the sale of "The Saint Mary's Asylum" situate near the Public Market referred to in section two of the Saint Michael's Central Almshouse Act 1880, shall notwithstanding the terms of section three of the said Act be used and applied by the said Vestry in the manner following, that is to say : in the first place in payment, so far as the same will extend, of any sum due and Application of purchase or compensation money

Saint Michael's Central Almshouse (Amendment) Act

owing by the said Vestry in respect of the cost of erecting the Central Almshouse and buildings referred to in the said Act, which the said Vestry were thereby authorized to construct, and the balance (if any) of the said money, or, in case there shall be no such sum due and owing by the said Vestry as aforesaid, the whole of the said money shall be paid into or lodged in the Colonial Bank to the credit of the Parochial Treasurer of the said parish of Saint Michael, and shall form part of the sum which the said Vestry are by section thirteen of the said Act, and by section five of the Saint Michael's Central Almshouse (Amendment) Act 1884, authorized to appropriate out of the annual rates to be laid, levied, and collected in the said parish of Saint Michael for the purposes in the said sections mentioned.

All acts &c., to be done under this Act may be done by majority of Vestry assembled.

4. All acts, deeds, matters, and things authorized or necessary to be done or executed by the said Vestry under this Act, and all payments to be made to the said Vestry hereunder or under the Saint Michael's Central Almshouse Act, 1880 may be done and executed by, and made to, the majority of the members of the said Vestry in vestry assembled.

1886—1.

An Act to vest a certain place called the "Masonic Hall," lands and hereditaments in the city of Bridgetown in this Island, belonging to the Masonic body in this Island, in certain trustees for the use and benefit of the members of the said Masonic body.

[9 November 1886.]

An Act of 18th Oct, 1870, entitled the "Harrison Free School Act," empowered the trustees and directors of the school therein mentioned to sell the school house and buildings and their site,

WHEREAS Mark Wilson and William James Montgomery Clarke, both of the parish of Saint Michael in this Island, esquires, have, by their humble petition presented to the Legislature of this Island, set forth the following facts, namely: (1) that by an Act or statute of this Island passed the eighteenth day of October, one thousand eight hundred and seventy, called the "Harrison Free School Act," after reciting that by indenture bearing date the thirtieth day of July one thousand seven hundred and thirty three, and made between Thomas Harrison of the town and parish of Saint Michael in the Island of Barbados, merchant, of the one part, and Thomas Withers and John Shurland, of the other part, all that piece or parcel of land, situate in the said town of Saint Michael, in the Island of Barbados, in a street or place then called Marlhill, containing by estimation three thousand

Masonic Trustees Act.

two hundred and fifty seven square feet and two thirds of a square foot, together with the house and all and singular the edifices and buildings thereon erected, were granted and conveyed to the said Thomas Withers and John Shurland, upon trust for the education of twenty five poor and indigent boys of the said parish of Saint Michael ; and for the government and direction of the said school, the president of the Council for the time being, the Speaker of the House of Assembly for the time being, the Attorney General for the time being, the Rector of the parish of Saint Michael for the time being, the Churchwarden of the parish of Saint Michael for the time being, and two members of the Vestry to be chosen annually were declared to be trustees and directors of the said school ; and after reciting that the said trustees and directors afterwards acquired some other land or house in the said street, and that they had, by their humble petition to the House of Assembly, prayed the House to pass an Act authorizing them to sell their present buildings, and apply the proceeds arising therefrom towards the purchase of " Mangrove Lodge," and also to grant the sum of six hundred pounds and a loan of nine hundred pounds to enable them to make the purchase ; and after reciting that it was deemed expedient to grant the prayer of the said petition, it was enacted that from the passing of the said Act, the trustees named in Harrison's deed of trust together with the Education Committee, should be the trustees and directors of Harrison's School, and that the trustees and directors of Harrison's Free School, or a quorum of them, were authorized and empowered absolutely to sell and dispose of the said land and buildings conveyed by the said indenture of the thirtieth day of July one thousand seven hundred and thirty three, known by the name of "Harrison's Free School," and the said land and house, either entirely or together or in parcels, and either by public auction or by private contract, for such price or prices, or sum or sums of money, as the said trustees and directors should think reasonable, with power to buy in the said premises, or any part thereof, at any sale or sales by auction, and to rescind, abandon, or vary any contract for sale, and to re-sell the premises which should be so bought in, or the contract for the sale of which should be so rescinded or abandoned as aforesaid, without being in anywise answerable for any loss which might happen thereby respectively, and with power to enter into, make, execute, do, and perform all such contracts, agreements, conveyances, assurances, acts, deeds, matters, and things, as to them, the said trustees and directors, should seem meet, freed and absolutely discharged from the trusts of the said indenture of the thirtieth day of

Masonic Trustees Act.

July one thousand seven hundred and thirty three, and to give sufficient receipts and discharges for the purchase money, and to give such time for the unpaid portion of the purchase money, and take such security for payment of the same, as to them should seem meet ; and by the said Act the sum of six hundred pounds and a loan of nine hundred pounds were respectively granted to the said trustees and directors out of the Public Treasury to be applied by them towards the purchase of "Mangrove Lodge ;" and the said trustees and directors were directed to pay to the Treasurer of the said Island the proceeds of the sale of the land and buildings of Harrison's Free School, in reduction of the said sum of nine hundred pounds ; (2) that by an indenture dated the twenty first day of February one thousand eight hundred and seventy two, and made or expressed to be made between the honourable Grant Ellicock Thomas, President of Her Majesty's Council, the honourable Augustus Briggs, Speaker of the General Assembly, the honourable John Sealy, Her Majesty's Attorney General, the Reverend Thomas Clarke, Rector of the said parish of Saint Michael, William Seon, churchwarden of the said parish of Saint Michael, and William Henry Jones and Charles Cragg Haynes, two members of the Vestry of the said parish of Saint Michael, chosen for the year one thousand eight hundred and seventy one, and the said Grant Ellicock Thomas and John Sealy, and the honourable Nathaniel Foderingham, of Her Majesty's Council, and the said Augustus Briggs, Henry Pilgrim, John Glasgow Grant, and William Brandford Griffith, esquires, of the General Assembly, a committee appointed under an Act of this Island bearing date the twenty fourth day of October one thousand eight hundred and fifty, entitled, "An Act to provide for a more extensive and general education of the people of this Island," called "The Education Committee," trustees and directors of Harrison's Free School, of the first part, John Simpson Howell, esquire, Treasurer of the said Island of Barbados, of the second part, and Thomas Clarke Marshall, master of the Albion Lodge 196, John William Wilson, master of the Scotia Lodge 340, and the said William James Montgomery Clarke, principal Z of the Scotia Royal Arch Chapter No. 65 Scotch Register, of the third part ; after reciting as hereinbefore is set forth the said Act of the eighteenth day of October one thousand eight hundred and seventy ; and after reciting that the said grant of six hundred pounds and the said loan of nine hundred pounds made to the said parties thereto of the first part, trustees and directors as aforesaid, had been paid to them by the said John Simpson Howell, Treasurer as aforesaid, and by them

and to pay the proceeds of sale into the Public Treasury.

By a deed of conveyance dated the 21st Feb. 1872 to which the trustees and directors of the said school, the Colonial Treasurer and T. C. Marshall then master of the Albion Lodge 196, J. W. W. I. son, then master of the Scotia Lodge 340, and W. J. M. Clarke, then principal Z of the Scotia Royal Arch Chapter No. 65, Scotch Register, were parties ;

Masonic Trustees Act.

applied in the purchase of "Mangrove Lodge," place and hereditaments; and after reciting that the said Grant Ellcock Thomas, Augustus Briggs, John Sealy, Thomas Clarke, William Seon, William Henry Jones and Charles Cragg Haynes, and the said Committee appointed under the Act aforesaid, called "The Education Committee," trustees and directors as aforesaid, had in pursuance of the said recited Act, agreed with the said Thomas Clarke Marshall, John William Wilson, and William James Montgomery Clarke, to sell and convey to them the said place, piece or parcel of land, buildings and hereditaments, and that they had agreed to purchase the same at or for the price or sum of five hundred pounds; and after reciting that it had been agreed that the said parties thereto of the third part should pay to the said parties thereto of the first part, trustees and directors as aforesaid, the sum of two hundred pounds on account of the said purchase money, and that the balance thereof, being the sum of three hundred pounds, should be secured to the said John Simpson Howell, Treasurer as aforesaid, in the manner therein mentioned; and after further reciting as therein is recited, it is witnessed that in pursuance of the said agreement and in consideration of the sum of two hundred pounds then paid by the said parties thereto of the third part to the said parties thereto of the first part, trustees and directors as aforesaid, and by them applied in manner therein mentioned and for the further considerations therein expressed, they the said Grant Ellcock Thomas, Augustus Briggs, John Sealy, Thomas Clarke, William Seon, William Henry Jones and Charles Cragg Haynes, and the Committee appointed as aforesaid, trustees and directors as aforesaid (by virtue and in pursuance of the power and authority to them given and in them vested in and by the said recited Act, and of all other powers and authorities them enabling thereunto), granted all that certain place, piece or parcel of land, commonly called or known by the name of "Harrison's Free School," situate lying and being in the city of Bridgetown and Island aforesaid, in a certain street or place there called "Spry Street," containing by admeasurement four thousand six hundred and twenty square feet, butting and bounding on the west on "Spry Street," and on the north, east, and south on lands belonging to the Commissioners of roads for the said City of Bridgetown, or however else the same might butt and bound, together with the buildings structures and erections thereon erected and built standing and being and the hereditaments and appurtenances thereto belonging (subject and liable to and charged with the pay-

after reciting (among other things) that the said two masters and principal Z had agreed to purchase the said school-house buildings and site from the said trustees and directors for £500, of which £200 was to be paid before the execution of that deed and the remaining £300 secured to the Colonial Treasurer as therein mentioned,

the said trustees and directors conveyed the said school-house, buildings and site,

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unto and to the use of the said two masters and principal Z (naming them) their successors in office and assigns for ever,

subject to a mortgage term of 500 years vested in the Colonial Treasurer for securing the payment of the £300 already mentioned.

The said sum of £200 was money belonging to the said two lodges and chapter, and the said school house &c. were purchased under the directions of the said lodges and chapter,

and since the purchase the buildings have from time to time been improved at the expense of the said lodges and chapter and have been used by them for the purposes of their order.

T. C. Marshall died in 1880. The £300 which

ment of the said sum of three hundred pounds, the balance of the said purchase money and the interest thereon), unto the said Thomas Clarke Marshall, master as aforesaid, John William Wilson, master as aforesaid, and William James Montgomery Clarke, principal as aforesaid, their successors in office and their assigns for ever, to be used and enjoyed by them as a Masonic Lodge, nevertheless freed and absolutely discharged of and from the trusts raised created and contained in the said indenture of the thirtieth day of July one thousand seven hundred and thirty three or such and so many of them as were then subsisting undetermined and capable of taking effect, but nevertheless to these uses, that is to say: to the use of the said John Simpson Howell, Treasurer of this Island, and his successors in office for the term of five hundred years, and subject to the said term, to the use of the said Thomas Clarke Marshall, master as aforesaid, John William Wilson, master as aforesaid, and William James Montgomery Clarke, principal as aforesaid, their successors in office and their assigns; and it was thereby declared that the said term was limited to the said John Simpson Howell, Treasurer as aforesaid, and his successors in office, for the purpose of securing the payment of the said sum of three hundred pounds and the interest thereon, at the times and in the manner therein mentioned; (3) that the said sum of two hundred pounds so as aforesaid paid by the said Thomas Clarke Marshall, master as aforesaid, John William Wilson, master as aforesaid, and the petitioner William James Montgomery Clarke, principal as aforesaid, to the said trustees and directors of "Harrison's Free School," on account of the purchase money of the said hereditaments and premises in "Spry Street" aforesaid, was money belonging to the said Albion Lodge, Scotia Lodge, and Scotia Royal Arch Chapter of Freemasons in this Island respectively, and the purchase was made by them by the direction of the members of the said lodges and chapter respectively; (4) that since the purchase, the buildings had been from time to time enlarged and improved at the expense of the said lodges and chapter respectively and had always been and still were used and enjoyed by the members of the said lodges and chapter respectively for the purposes of their order; (5) that the said Thomas Clarke Marshall died some time in the year one thousand eight hundred and eighty; (6) that the whole of the said sum of three hundred pounds, the balance of the purchase money of the said hereditaments and premises, together with all interest thereon, having been fully paid and satisfied to the said John Simpson Howell, Treasurer as aforesaid, out of

Masonic Trustees Act.

moneys belonging to the said lodges and chapter respectively, the said John Simpson Howell, Treasurer as aforesaid, by an indenture dated the eighteenth day of February, one thousand eight hundred and eighty two (indorsed on the said indenture of the twenty first day of February one thousand eight hundred and seventy two), and made between the said John Simpson Howell, Treasurer as aforesaid, of the one part, and the petitioner Mark Wilson, then the master of the said Albion Lodge 196, and the successor in office of the said Thomas Clarke Marshall, and the said John William Wilson, and the petitioner William James Montgomery Clarke, of the other part, granted assigned and surrendered all that the hereinbefore described place piece or parcel of land, formerly called "Harrison's Free School," but then and now called or known by the name of the "Masonic Hall," and all and singular other the premises comprised in the said indenture of the twenty-first day of February one thousand eight hundred and seventy-two, with their appurtenances, unto the said petitioner Mark Wilson, master as aforesaid, and the said John William Wilson, and the said petitioner William James Montgomery Clarke, their successors in office and assigns, for the residue and remainder which was then to come and unexpired of the said term of five hundred years created in and by the said indenture of the twenty-first day of February, one thousand eight hundred and seventy-two, to the end and intent that the said term might thenceforth be merged and extinguished in the reversion, freehold, and inheritance of the said place hereditaments and premises; (7) that the said John William Wilson and the said petitioner William James Montgomery Clarke were not, at the date of the said indenture of the eighteenth day of February, one thousand eight hundred and eighty two, the master of the said Scotia Lodge, and the principal of the said Scotia Chapter respectively; (8) that section one of the said Act of the eighteenth day of October, one thousand eight hundred and seventy, appointing trustees and directors of Harrison's School, and section two of the said Act authorizing the trustees and directors so appointed to sell the property known as "Harrison's Free School," had been repealed by the Education Act, 1878, and by section five of the said Act the persons who before the passing of the Act of the eighteenth day of October, one thousand eight hundred and seventy, were the trustees and directors of the said school, together and in conjunction with the Education Board by the said Act appointed, were declared to be the trustees and directors of the said school for all intents and purposes; and by section fifty one of the

was not paid at the date of the purchase was afterwards paid with interest to the Colonial Treasurer out of moneys belonging to the said lodges and chapter; and the Colonial Treasurer on the 18th February 1882 duly surrendered to Mark Wilson, then master of the Albion Lodge 196, J. W. Wilson and W. J. M. Clarke, the unexpired residue of the said term of 500 years.

J. W. Wilson and W. J. M. Clarke respectively were not on 18th February 1882 master of the Scotia Lodge and principal Z of the Scotia chapter respectively. The Education Act 1878 repealed the portion of the Act of 18th Octr., 1870 already mentioned.

Masonic Trustees Act.

said Act it was declared that the said school should be styled "Harrison's College," and that the said trustees and directors should be called the "Governing Body of Harrison's College," and should be and they were thereby constituted a body corporate, and should have a perpetual succession and a common seal, and should sue and be sued under the style and title aforesaid; and in the said Governing Body of Harrison's College, it was by the said section further declared, should vest, without any conveyance, all the estate, property, and effects, of what nature and kind soever, and also all the rights and liabilities which severally were formerly of the trustees and directors of the said school; (9) that the said lodges and chapter respectively were not bodies corporate having perpetual succession, and the offices of master and principal of the said lodges and chapter respectively were not offices recognized by law, and the persons holding those offices respectively were not, as such, empowered by law to hold real estate; (10) that under those circumstances, and inasmuch as the said place "The Masonic Hall," hereditaments and premises were, by the said indentures of the twenty first day of February, one thousand eight hundred and seventy two, and the eighteenth day of February, one thousand eight hundred and eighty two conveyed unto and to the use of the master of the said Albion Lodge, the master of the said Scotia Lodge, and the principal of the said Scotia Chapter, their successors in office and assigns, the members of the Masonic body in this Island had been advised that the legal estate or fee simple of and in the said place "The Masonic Hall," hereditaments and premises never became vested in the persons who purchased the said place and hereditaments from the said trustees and directors of Harrison's Free School, and that such legal estate was outstanding in the Governing Body of Harrison's College; (11) that the members of the said Masonic body had been further advised that the Governing Body of Harrison's College have no power, under the Education Act, 1878, to execute any conveyance or assurance of the said place "The Masonic Hall" and hereditaments, so as to vest the legal estate therein in any person or persons upon trust or otherwise for the members of the said body, and that in order to perfect the title of the said place and hereditaments, it would be necessary to apply to the Legislature of this Island for the necessary relief in the premises; (12) that the members of the said masonic body were desirous that the said place "The Masonic Hall" hereditaments and premises, should be vested in trustees as in this Act appears, and it had been settled among them

The said lodges and chapter are not bodies corporate nor do the masters and principal Z of those lodges and chapters together or separately have a corporate existence. Under the circumstances the legal estate in fee simple in the said school-house &c., is now outstanding ;

and the members of the said lodges and chapter are advised that it cannot be got in without the aid of the Legislature ;

and the said members are desirous of its being vested in trustees.

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that the persons hereinafter in this Act named should be such trustees ; (13) that the said John William Wilson, to whom as master of the said Scotia Lodge in conjunction with the petitioners, the said place and hereditaments were conveyed as aforesaid, was resident out of this Island ; (14) that he had been informed that the said petition would be presented to the Legislature of this Island, and had, in a letter dated the sixth day of March, one thousand eight hundred and eighty six, addressed to the person in the said petition named, expressed his willingness that the prayer should be granted ; and (15) that the petitioners, as the only persons in this Island in whom a beneficial interest in the said place and hereditaments was vested, had been directed by the members of the said masonic body to apply to the Legislature of this Island to pass an Act vesting the said place "The Masonic Hall" hereditaments and premises, in trustees as hereinafter appears ; and the petitioners prayed that the Legislature would be pleased to pass such an Act as aforesaid ; And whereas it is deemed expedient to grant the prayer of the said petition : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

J.W. Wilson, who is out of the Island is willing that this Act should be passed,

and M. Wilson and W. J. M. Clarke are desirous of it, and have petitioned for it by direction of the said lodges and chapter.

1. This Act may be cited for all purposes as the Mason- Short title.
ic Trustees Act, 1886.

2. All that certain place, piece or parcel of land, formerly called "Harrison's Free School," but now called or known by the name of "The Masonic Hall," situate in Spry Street in the city of Bridgetown in this Island, in the said indenture of the twenty first day of February one thousand eight hundred and seventy two particularly mentioned and described, with the messuage and other buildings thereon, and the hereditaments and appurtenances thereto belonging, are hereby vested in William Edwin Hoad, esquire, and Colonel John Elliott, Companion of the Bath, members of the said Albion Lodge of freemasons ; Charles Armstrong Waterman, esquire, and the said William James Montgomery Clarke, members of the said Scotia Chapter of freemasons ; and the said John William Wilson and Peter Drinan Wooding Rivers Rebitt, esquires, members of the said Scotia Lodge of freemasons, their heirs and assigns for ever in fee simple (freed and absolutely discharged of and from the trusts raised, created, and contained in the said indenture of the thirtieth day of July one thousand seven hundred and thirty three, or such and so many of them as may be now subsisting undetermined and capable of taking effect) ;

"Harrison's Free School" now known as "The Masonic Hall" vested in the persons herein mentioned as trustees.

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Trusts : (1) To permit it to be used by the members of the two lodges and chapter for the purposes of their order.

in trust, nevertheless, to suffer and permit the same to be used, occupied, and enjoyed by the several members of the said Albion Lodge, the Scotia Chapter, and the said Scotia Lodge of freemasons in this Island respectively, for the purposes of their order ; and also upon the further trusts hereinafter in this Act declared and contained concerning the same.

(2) On the written request of the majority of the members of each lodge and of the chapter to sell or exchange the same.

3. The said William Edwin Hoad, John Elliott, Charles Armstrong Waterman, William James Montgomery Clarke, John William Wilson, and Peter Drinan Wooding Rivers Rebitt, or other the trustees for the time being acting in the trusts of this Act (hereinafter called "the trustees") shall, upon the request in writing of all the members of the said lodges and chapter respectively, or of the major part of the members of each of the said lodges and chapter dispose of, either by way of sale or in exchange for other hereditaments in this Island, the said place "The Masonic Hall" and hereditaments (which place is hereinafter in this Act referred to as the "present Masonic property") ; and any sale may be either by public auction or private contract, with power to buy in at any sale by auction, or to rescind any contract for sale, and to re-sell without being answerable for any loss occasioned thereby ; and may enter into, execute, and do all such acts, conveyances, assurances, and things for effectuating any such sale or exchange as they shall think fit ; and may grant defeazances for payment of the purchase money of the land or property sold, or any part thereof, and may accept such security for payment of the said purchase money, or any unpaid part thereof, as to the trustees shall seem expedient, and the trustees shall receive all the moneys to arise from the sale of the present Masonic property, or to be paid for equality of exchange, and shall, with and out of the said moneys, in the first place, pay and retain the cost of expenses attending such sale or exchange, and shall stand possessed of the residue of the said moneys upon the trusts, and with and subject to the powers and provisions hereinafter in this Act declared concerning the same.

Trusts of the moneys to arise from any sale.

(3) On such request as aforesaid and until sale to lease the same or any part thereof.

4. Until the present masonic property shall be sold as aforesaid, it shall be lawful for the trustees, upon such request as aforesaid, to demise or lease the same, or any part thereof, for any term of years not exceeding twenty one years, to take effect in possession, at the best rent that can reasonably be obtained for the same, with or without taking anything in the nature of a fine or premium, and under and subject to such covenants and conditions as the trustees shall think proper.

Masonic Trustees Act.

5. The receipt in writing of the trustees for any moneys paid to them in pursuance of this Act, or of the trusts thereof, shall effectually discharge the person or persons paying the same therefrom, and from being concerned to see to the application or being answerable for the loss or misapplication thereof.

6. The trustees shall stand possessed of the residue of the moneys to arise from the sale of the present Masonic property, or to be paid for equality of exchange, after payment of the costs and expenses attending such sale or exchange as aforesaid, upon the following trusts, that is to say, upon trust to pay to the said William Edwin Hoad and John Elliott, or other the trustees to be appointed by the members of the said Albion Lodge, as hereinafter in this Act is provided, one third of such residue to be held by the said William Edwin Hoad and John Elliott, or such other trustees as last aforesaid, in trust for the members for the time being of the said Albion Lodge; and upon trust to pay to the said Charles Armstrong Waterman and William James Montgomery Clarke, or other the trustees to be appointed by the members of the said Scotia Chapter as hereinafter in this Act is provided, another one third of the said residue to be held by the said Charles Armstrong Waterman and William James Montgomery Clarke, or such other trustees as last aforesaid, in trust for the members for the time being of the said Scotia Chapter; and upon trust to pay to the said John William Wilson and Peter Drinan Wooding Rivers Rebitt, or other the trustees to be appointed by the members of the said Scotia Lodge, as hereinafter in this Act is provided, the remaining one third of the said residue to be held by the said John William Wilson and Peter Drinan Wooding Rivers Rebitt, or such other trustees as last aforesaid, in trust for the members for the time being of the said Scotia Lodge; and subject to the foregoing trusts, the trustees representing each of the said lodges and chapter shall stand possessed of the moneys belonging to their lodge or chapter, upon trust to invest the same, either separately or conjointly with the trustees of one or both of the remaining two of the said lodges and chapter, in the purchase of such messuages, lands, or hereditaments situate in this Island, and being freehold of inheritance, as the members of the said lodges and chapter respectively, or the major part of the members of each of the said lodges and chapter acting together, shall in writing direct their trustees to purchase, with liberty upon any such purchase to accept such title or evidence of title as the trustees purchasing as aforesaid shall think fit, without being answerable for any loss arising thereby: and

Trustees' receipt for money paid them under the Act to be a valid and effectual discharge.

Trusts of residue of proceeds of sale &c., after payment of costs and expenses; —(1) to pay one third to the trustees of the Albion lodge in trust for the members of that lodge; one third to the trustees of the Scotia chapter in trust for the members of that chapter; and one third to the trustees of the Scotia lodge in trust for the members of that lodge;

and (2) subject to the foregoing trust to invest the same in the purchase of other messuages, lands or hereditaments to be held on the same trusts as the one sold.

Masonic Trustees Act.

the hereditaments so to be purchased as aforesaid shall be assured to the trustees who shall have purchased the same, and shall be held by them, upon trust that they shall, upon request in writing of the members of their lodge or chapter, or of each of the lodges or lodge and chapter, or lodges and chapter (as the case may be) they shall represent, or of the major part of the members of each such lodge or chapter, as may be, sell the same and stand possessed of the money to arise from such sale, after paying thereout the costs and expenses attending the sale, upon the like trusts for the benefit of the members of the lodge or chapter, or lodges, or lodge and chapter, or lodges and chapter, with whose money the said hereditaments shall have been purchased as aforesaid, and for purchase of other hereditaments as are hereinbefore in this section declared as to the moneys to arise from the sale of the present Masonic property; and the said hereditaments so to be purchased as aforesaid shall be held by the trustees who shall have purchased the same, upon further trusts in the meantime and until the re-sale, to permit the same to be used occupied and enjoyed by the members of the lodge or chapter, or lodges, or lodge and chapter, or lodges and chapter, as the case may be, with whose money the same shall have been purchased as aforesaid for the purposes of their order, or upon such request as is hereinbefore in this section last-mentioned let or demise the same in the same manner as the trustees are by this Act empowered to let or demise the present Masonic property.

Trusts of rents
received by the
trustees.

7. All moneys received by the trustees for rent of the present Masonic property shall be paid by them into the general revenue of the said lodges and chapter respectively in equal shares, and the moneys received for rent of any hereditaments to be purchased under the power for that purpose hereinbefore in this Act contained, shall be paid into the general revenue of the lodge or chapter, or lodges, or lodge and chapter, or lodges and chapter, as may be, with whose money the same shall have been purchased, and if more than one such lodge or chapter, in equal shares.

Trustees to keep
insured all mes-
sages vested in
them.

8. The trustees in whom for the time being any land or hereditaments subject to this Act is or are vested, shall at all times keep insured the buildings on such land or hereditaments from loss or damage by fire, in their names, in some office or offices of insurance, in a sufficient sum to cover the value of the said buildings, and shall for that purpose pay all premiums and sums of money payable in respect of such insurance. All moneys which shall be received from time to time under or by virtue of any such insurance as

Application of
policy moneys.

Masonic Trustees Act.

aforesaid, shall be forthwith laid out and applied by the trustees in or towards the rebuilding and repairing the said buildings or such part thereof as shall be burnt down or damaged by fire.

9. The trustees in whom at any time any land and buildings or hereditaments subject to this Act are vested, shall at all times keep such buildings, and also all enclosure-walls belonging to the same respectively, in good and substantial repair, and shall adjust, compound, and settle all accounts and claims respecting the same; and such trustees shall from time to time make and effect all such improvements, alterations, and additions to the hereditaments for the time being subject to the trusts of this Act, as all the members of the lodges and chapter to whom the same may belong respectively, or the major part of the members of each of the said lodges and chapter acting together, shall in writing direct, and for that purpose shall enter into, make, and perform all such contracts and agreements with architects, workmen, and others as the trustees shall think fit, and may refer to arbitration, upon such terms and conditions as they shall think fit, any disputes which may arise with any person or persons with whom the trustees shall have any dealings or transactions in relation to the premises, and may, at their discretion abide by, or contest and dispute, any submission or arrangement which may have been made or entered into as aforesaid, or any award or other matter or proceeding consequential thereon.

Trustees to keep all buildings &c., in good repair ;

and to make improvements, alterations and additions therein and thereto as herein provided.

10. It shall be lawful for the trustees in whom at any time any lands and buildings or hereditaments subject to this Act are vested, to raise any money which may be required to keep the buildings on such land or hereditaments insured and in repair as aforesaid, or which may from time to time be required for improving, altering, or adding to the hereditaments for the time being subject to the trusts of this Act as aforesaid, by a mortgage of or other charge on the said hereditaments, or any part thereof. No person lending or advancing money to the trustees on any such security shall be bound or concerned to see to the application thereof.

Power for trustees to raise money required for insuring, repairing, &c.

11. It shall be lawful for the members of any or either of the said lodges or chapter, at any time hereafter, absolutely to sell and dispose of their rights and beneficial interests in the hereditaments for the time being subject to the trusts of this Act, to the members of the other or others of the said lodges and chapter, at such price, and upon such terms and

Any or either of the said lodges and chapter may sell their interest in the lands, &c to the other or others of

Masonic Trustees Act.

the said lodges and chapter conditions in respect of the payment of the purchase money, or the securing of the same or otherwise, as to the persons selling shall seem fit. Every disposition made in pursuance of this section shall be in the words, or to the effect, of the form in the schedule to this Act, and shall be signed by all the members of the lodge or chapter selling or the major part of them in the presence of two witnesses, and shall on the same being recorded in the Secretary's office of this Island be effectual to convey to, and vest in the purchasers, all the rights and interests of each and every of the members of the said lodge or chapter in the said trust property.

12. Upon every such disposition being executed and recorded as aforesaid, this Act shall be read and construed, and shall operate in such and the same manner as if the lodge or chapter, whose members shall have sold and disposed of their rights and interests as aforesaid, had never been mentioned in or referred to by this Act, and every trustee being a member of the lodge or chapter whose members shall have sold and disposed of their rights and interests as aforesaid, shall thereupon be discharged from the trusts of this Act, and only the trustees being members of the lodge or chapter, or lodges, or lodge and chapter, as may be, then possessing rights and beneficial interests in the said trust property, shall continue to act in the trusts of this Act, and in them shall vest, without any conveyance or assurance, the said trust property for all the estate and interest therein of every trustee so discharged as aforesaid.

13. Upon the exercise of any power or authority conferred by this Act on the said William Edwin Hoad, John Elliot, Charles Armstrong Waterman, William James Montgomery Clarke, John William Wilson and Peter Drinan Wooding Rivers Rebitt, or other the trustees for the time being acting in the trusts of this Act, it shall not be competent for any purchaser, lessee, mortgagee, or other person or body corporate dealing with them to call for evidence, or to enquire as to whether the persons making any request, or giving any direction or consent required by this Act, are all the members of the said lodges and chapter respectively, or are the major part of them, or as to whether the persons professing to be trustees have been duly appointed such; but every request or direction or consent, and every appointment of trustees purporting to be signed by all the members of the said lodges and chapter respectively, or by the major part of them, shall be deemed and taken as sufficient evidence without any further or other proof that the persons signing the same are all the members of the said lodges and

Masonic Trustees Act.

chapter respectively, or are the major part of those members, as may be; provided always that none of the powers created by this Act shall be executed unless the number of trustees for the time being shall be two for each of the said lodges and chapter.

14. If and so often as any or either of the trustees by this Act appointed, or any future trustee or trustees acting in the trusts of this Act, shall die, or go to reside abroad, or shall desire to retire from, or refuse, or become incapable to act in the trusts of this Act, or shall cease to be an enrolled member or enrolled members of the lodges or chapter to which he or they may belong, it shall be lawful for the members of the said lodges or chapter, or the major part of them, by writing under their hands, to appoint any other member or members of their lodges or chapter to be a trustee or trustees in the place of the trustee or trustees so dying or going to reside abroad, or desiring to retire, or refusing or becoming incapable to act, or ceasing to be an enrolled member or enrolled members as aforesaid, and upon every such appointment being recorded in the Registration Office of this Island, the trust property shall, without any conveyance or assurance, become vested in the new trustee or trustees jointly with the continuing trustees or trustee; and every such new trustee (as well before as after the said trust premises shall become vested in him) shall have all the powers and authorities of the trustee in whose place he shall be substituted.

Power of appointing new trustees.

SCHEDULE.

The Masonic Trustees Act 1886.

We the undersigned, the members of the lodge (or chapter) of freemasons in this Island (or the major part of the members etc.), in consideration of the sum of _____ paid to (or otherwise settled with) us, on or before the execution of these presents, by the members of the lodge (or chapter) of freemasons in this Island (the receiptor settlement of which said sum of _____ is hereby acknowledged, and the persons paying the same therefrom for ever discharged) do hereby, in pursuance of the provisions of the *Masonic Trustees Act 1886*, absolutely sell and dispose of all our and each and every of our rights and

1886—1.

Masonic Trustees Act.

beneficial interests (or the rights and beneficial interests of each and every of the members of the said lodge or chapter), of and in all and singular the messuages, lands, hereditaments, and premises now subject to the trusts of this Act unto the members of the said lodge (or chapter).

Given under our hands this day of 18

Witnesses.

1887—1.

An Act to consolidate the Acts authorizing the Governor-in-Executive Committee to raise Loans for the purpose of various Public Works in this colony.

[31 January 1887].

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title. 1. This Act may be cited for all purposes as the Public Works Loan Act, 1887.

The Governor-in-Executive Committee may raise £78,000 by debentures. 2. (1) It shall be lawful for the Governor with the advice of the Executive Committee in Executive Committee from time to time to raise, by the issue of debentures in the manner hereinafter mentioned, a sum of money not exceeding seventy eight thousand pounds for the purposes of the several public works for which resolutions have passed or shall hereafter pass the two Houses of the Legislature as required by section five of this Act. The said sum of money together with the sum of ten thousand pounds hereinafter mentioned shall be apportioned and applied amongst the said public works in the manner and in the several amounts set forth in the several resolutions passed as aforesaid.

Application of the said sum.

No salaries &c. to be paid out of said moneys.

(2) No portion of any of the sums of money mentioned in the preceding subsection shall be employed in the payment of salaries to draughtsmen, superintendents, or clerks, or in any other way than in the several services for which the respective amounts shall be appropriated.

Form of debentures.

3. All debentures to be issued under the authority of this Act shall be in such form and for such amounts as may from time to time be prescribed by the Governor-in-Executive Committee, and shall be signed by the Colonial

Public Works Loan Act.

Treasurer in his own proper handwriting and shall be countersigned by the Auditor General or the person discharging the duties of that office, and no debenture shall entitle the holder thereof to claim payment thereof from the colony unless the same shall be in the prescribed form and shall be signed and countersigned as aforesaid.

4. The debentures for the said loan shall bear interest at a rate not exceeding five pounds per centum per annum. A further sum of ten thousand pounds is hereby appropriated from the general revenue to be drawn from the Public Treasury on the warrant of the Governor-in-Executive Committee for the purposes of the said works. Interest on debentures.

5. It shall not be lawful to raise any portion of the said sum of seventy eight thousand pounds, or to draw from the Treasury any part of the said sum of ten thousand pounds until a written statement signed by the Governor-in-Executive Committee shall have been laid before the two Houses of the Legislature specifying for which of the said public works the portions about to be raised, or drawn, of the said sums respectively are required; and it shall not be lawful to commence any such public works until the plans and specifications of the public work so specified shall also have been laid before the two Houses of the Legislature and they shall have passed a resolution authorizing the expenditure of the said portions of the sums respectively for the purpose of proceeding with the said public work in accordance with the said plans and specifications. Conditions on which money may be raised or drawn and expended.

6. It shall lawful for the Governor with the advice of the Executive Committee in Executive Committee from time to time to raise by the issue of debentures in the manner herein mentioned a sum of money not exceeding ten thousand pounds and to pay the same into the Public Treasury to the credit of the general revenue in satisfaction and discharge of the sum of ten thousand pounds authorized to be drawn from the Public Treasury under section four of this Act. Sum not exceeding £10,000 may be raised and paid into Treasury to credit of the general revenue

7. The interest on all debentures issued under the authority of this Act shall be payable half yearly, namely, on the first day of January and on the first day of July in each year, out of the Public Treasury, and shall have preference over all other payments to be made out of the Public Treasury. Payment of interest on debentures.

8. The Governor-in-Executive Committee shall from time to time, if authorized so to do by a resolution of the Legislature, set aside, out of any surplus revenue of the pre-

Public Works Loan Act.

vious year, any sum or sums of money to form a sinking fund, provided the total amount paid into such sinking fund shall not exceed one thousand pounds for each year elapsed since the issue of the debentures. The sums so set aside from time to time shall be placed at interest by the Colonial Treasurer in the joint names of himself and the Auditor General to the best advantage on such security as may be approved by the Governor-in-Executive Committee. At the expiration of twenty years from their issue debentures corresponding in amount with the sinking fund as then existing shall be drawn for redemption. Provided always that no resolution under this section shall be introduced into the Assembly except on the authority of the Governor-in-Executive Committee.

Proviso.

Redemption of remaining debentures.

9. The debentures which may remain due after the drawing mentioned in the last preceding section shall be redeemable by annual drawings not exceeding one thousand pounds in any one year until the whole of the said debentures shall be paid off and satisfied, but the Governor-in-Executive Committee shall be authorized, if he shall think fit, to issue new debentures of like amount with each drawing.

Mode of drawing debentures.

10. No drawing for the redemption of any debentures to be issued under the authority of this Act shall be made until after one month's notice of such intended drawing shall have been given in the Official Gazette. The drawings shall take place at such times, in such manner, and under such supervision as the Governor-in-Executive Committee shall direct. Immediately after each such drawing, the Colonial Treasurer shall publish in the Official Gazette the numbers of the debentures drawn, and such debentures shall cease to bear interest and shall be paid off on the next succeeding day fixed by this Act for the payment of interest on debentures.

Cancellation of paid-off debentures.

11. It shall be the duty of the Colonial Treasurer for the time being and he is hereby required to write the word "Cancelled" across every debenture called in and paid off under the authority of this Act immediately after such debenture shall have been delivered to him by the holder thereof, and to subscribe his name in his own proper handwriting below such word, and then to deliver every such debenture to the Auditor General, or to the person discharging the duties of that office, who shall write his name in his own proper handwriting across every such cancelled debenture, and then re-deliver it to the Colonial Treasurer or his lawful deputy to be his voucher for the payment thereof.

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12. No assignment or transfer of any debenture issued under the authority of this Act shall be of any force or validity so far as regards the payment of interest or for any other purpose until the same shall have been duly noted in a book to be kept for that purpose by the Colonial Treasurer.

Assignment of debenture not to be valid until noted.

13. It shall be the duty of the Colonial Treasurer to keep separate books of account in respect of the loans to be raised under the authority of this Act, showing the moneys received, the moneys expended, the interest paid, the debentures paid off, and all other matters of account relating to the said loans. All such books of account and all papers and documents connected with the said loans and the expenditure of the moneys to be raised thereunder shall be subject to the examination and report of the Auditor General.

Accounts to be kept for the purposes of the Act.

14. The Governor shall cause to be laid before the Legislature as soon as possible after the close of each year a statement showing in detail the sums borrowed under the authority of this Act, together with the rate of interest thereon, the sums paid in discharge of debentures, the state of the sinking fund, if any, the sums of money expended, and the works on which they were severally expended, together with such further information as may be necessary to show what has been done under the authority of this Act.

Annual statement of transactions under the Act to be laid before the Legislature.

15. All moneys received under the authority of this Act shall be paid into the Public Treasury, and the same or any part thereof may be placed at interest or on investment by the Colonial Treasurer in the joint names of the said Colonial Treasurer and of the Auditor General on the direction of the Governor-in-Executive Committee, and all moneys required on account of the said loans for the purposes of the public works or any of them shall be drawn from the Public Treasury on the warrant of the Governor-in-Executive Committee.

Disposition of moneys raised under the Act

16. It shall be lawful for the Governor with the advice of the Executive Committee in Executive Committee to give all such orders and directions and to take all such proceedings as may be necessary for carrying into effect the purposes of this Act; provided that no such order, direction, or proceeding shall be repugnant to any of the provisions of this Act.

The Governor-in-Executive Committee to carry out the provisions of the Act.

17. It shall be lawful for the Governor with the advice of the Executive Committee in Executive Committee to expend a sum not exceeding three hundred pounds to defray all expenses incidental to the carrying into operation of the

Expenses of carrying the Act into operation.

1887—1.

Public Works Loan Act.

provisions of this Act, and a return shall be made to the Legislature of the money so expended, with the particulars thereof.

Sums raised under the Act to be a first charge on the revenue of the colony.

18. The public revenue of this colony shall at all times stand and be held as a pledge and security for the repayment of all sums of money for which debentures may be issued under the authority of this Act, and subject to the provisions in this Act contained, the repayment of such amounts shall have preference over all other payments to be made out of the Public Treasury of the colony.

1887—2.

An Act to regulate and define who shall be the trustees for the time being and from time to time of the will of Emanuel John Cock Hutchinson, Esquire, late of the parish of Saint Philip in this Island, deceased, and as such, trustees under the said will of the school established in the said parish of Saint Philip in accordance with the terms and provisions of the said will and of the funds and property of the said school, and to make other provisions with respect to the said school funds and property, and the management of the said school.

[7 February 1887.]

Petition stating that by his will dated 6th August 1857, E.J.C. Hutchinson set apart a house and lands for the establishment of a school,

WHEREAS the Reverend Robert FitzHardinge Berkeley, Rector of the parish of Saint Philip, and Joseph Connell and Joseph Henry Weatherhead, both of the said parish and Island, Esquires, former representatives of the said parish in the General Assembly of this Island, have by their petition to the Legislature represented amongst other things that the said Emanuel John Cock Hutchinson by his last will, dated the sixth day of August one thousand eight hundred and fifty seven, set apart the dwelling-house and out-buildings on his place called "Whitehall," in the said parish and Island, with one acre of land around and about the house and a road leading to the said house, for the establishment of a school; and he directed that the moneys arising from the sale of certain of his real property, which was thereby directed to be sold, together with the moneys which he then had at interest and in hand (after certain payments thereout respectively), should be placed at interest on real property in this Island on the best securities that could be obtained for the same, and the interest to become due thereon was to be collected by his executors or any of them who should qualify to his will and applied for the purposes of the school;

and directed certain moneys invested and the interest thereon collected by such of his executors as should qualify to his will and (the

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and he directed that after the decease of his sister Thomasin Hutchinson (who during her life was allowed to occupy a part of the dwelling-house and buildings and who long ago died) the whole of the said house should be used as a school house and as a residence for the schoolmaster and schoolmistress of the said school, and that the interest arising from the several moneys (which moneys are hereinafter referred to as "the school fund") or as much thereof as should from time to time be found necessary should be employed and appropriated for the education and clothing of thirty six poor children of the white population of the parish of Saint Philip who might be resident in the vicinity of the school, eighteen of each sex, and such children were to be selected originally and from time to time as vacancies occurred by his executors or executor qualified to his will, and the said children were to be educated and instructed in reading, writing, and arithmetic, and were to receive religious instruction, and books and other requisites for instruction were to be furnished for them, and also two suits of strong and decent clothing were to be furnished for each child annually in order to enable the children to make a more decent appearance at the school; and he directed that his executors or executor as aforesaid should make choice of and appoint an experienced and competent master and mistress respectively of respectable character of the white population to preside over the school as teachers who should have the free use and enjoyment of the land around and about the house and the road leading thereto and the well equally and alike; and the executors or executor as aforesaid were to fill up vacancies as they from time to time occurred in the situations of master and mistress in the said school; and he directed that the salaries to be allowed the master and mistress should not exceed or fall short of the sum of one pound thirteen shillings and fourpence annually for each child (equal to the sum of sixty pounds a year) which sum should be paid every year to the said master and mistress by his executors or executor who should qualify, and he directed that whatsoever annual surplus of moneys should be left, after defraying expenses incurred from time to time in repairing the building and paying the salaries and for stationery and clothing for the children and unavoidable contingent or incidental expenses, should be placed at interest by his executors or executor qualified as aforesaid for the benefit and better support and continuance of the school; and he directed that if after the establishment of the school for two or three years his executors or executor as aforesaid should find that the house being used as a residence for the schoolmaster and schoolmistress) such interest should be used for the education of 18 poor white children of each sex, in reading, writing, and arithmetic and religious instruction; each to be supplied annually with two suits of clothing.

The testator then provided for the appointment of a master and mistress and fixed their salaries,

and stated that any surplus income which might remain after defraying the annual expenses should be invested for the benefit of the school,

and if after the school had been open for 2 or 3 years the income proved greater

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than the annual interest accruing from time to time should be more than expenses the equal to the annual expenses of the establishment that then number of schol- his executors or executor as aforesaid might place at the ars and the school an additional number of children and pay the master teachers' salaries and mistress an additional proportionate salary to the one might be in- creased. stipulated for them respectively; and he directed that his executors or executor as aforesaid should reserve from the interest of the school fund as in the will provided a sum of sixty two pounds ten shillings to meet any calamity or misfortune that might happen to the school house by storm, fire, or other unforeseen accident or event, and that the reserve fund should be put at interest and the interest thereof

And after directing that a reserve fund of £62 10s. be formed out of the said income,

was to be applied to the uses of the school; and he directed that if the school house should be destroyed in manner as aforesaid, then another school house should be erected but at no other greater cost than the sum to be so reserved; and he directed that no part of the school fund should at any time be taken to defray the expenses of the establishment, but that the interest only should at any time be appropriated to that purpose; and he directed that no master or mistress of the school should at any time be prevented from taking at the school private white scholars so long as their doing so was not found to be any impediment in the progress and advancement in learning of the children belonging to the establishment; and the testator thereby appointed the Reverend Robert Francis King, Rural Dean and Rector of the said parish of Saint Philip, and the Reverend Charles Carter, Curate and officiating minister at Trinity Chapel in the said parish, and their and each of their successors in office for the time being as preachers of the Gospel at Saint Philip's Church and Trinity Chapel: and also John Robert Gooding and Naboth Greaves, Esquires, (then the representatives in the General Assembly for the said parish of Saint Philip) and their and each of their successors in office as representatives in the General Assembly of the said parish of Saint Philip, executors of his will; that the said Emanuel John Cock Hutchinson died on the twenty third day of September one thousand eight hundred and fifty seven, without having altered or revoked his said will, and the said will was on the ninth day of October in the same year duly proved and recorded in the Colonial Secretary's office of this Island and there remains on record; that the said Robert Francis King, one of the executors named in the will of the said testator, was at the date of the decease of the testator still holding the office of Rector of the said parish of Saint Philip, the said Charles Carter was then holding the office of Curate of Holy Trinity in the said parish.

the testator appointed Revd. R. F. King, Rector of St. Philip's and the Revd. C. Carter, Curate at Trinity Chapel and their successors in office, and also J. R. Gooding and N. Greaves representatives of the said parish and their successors in office, his executors.

E.J.C. Hutchinson died 23rd Sep 1857, and on 9th Oct. 1857 his said will was duly proved and recorded.

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and the said John Robert Gooding and Naboth Greaves were then the representatives of the said parish in the General Assembly in this Island, and the two first named of them duly qualified themselves to act as executors of the said will; that the said Robert Francis King and Charles Carter, who qualified themselves to act as executors as aforesaid of the said will died several years ago; the said John Robert Gooding died recently, and the said Naboth Greaves is still living; that other persons who have from time to time held the offices of Rector of the parish of Saint Philip and representatives of the said parish in the General Assembly since the decease of the said testator have qualified themselves and obtained from the Court of Ordinary of this Island letters testamentary as executors of the said will; that the office of Rector of the parish of Saint Philip has since the decease of the said Robert Francis King been held by the following persons, namely, by the Reverend Preston Bruce Austin from the year one thousand eight hundred and seventy five to one thousand eight hundred and eighty (both inclusive); and from the year one thousand eight hundred and eighty by the said Robert FitzHardinge Berkeley who still holds the said office; that the office of Curate of Holy Trinity in the said parish of Saint Philip has since the decease of the said Charles Carter (namely, since one thousand eight hundred and seventy two) been held by the Reverend Henry Collymore who still holds the said office; that the parish of Saint Philip has since the year one thousand eight hundred and fifty seven (the year in which the said Emanuel John Cock Hutchinson died) been represented in the General Assembly by the following persons, namely, by the said Naboth Greaves from one thousand eight hundred and fifty seven to one thousand eight hundred and sixty (both inclusive); by the said John Robert Gooding from one thousand eight hundred and fifty seven to one thousand eight hundred and sixty six (both inclusive); by Joseph Connell, Esquire, from one thousand eight hundred and sixty one to one thousand eight hundred and sixty five (both inclusive) and from one thousand eight hundred and seventy eight to one thousand eight hundred and eighty three (both inclusive); by Richard Downes Shepherd, Esquire, for part of the year one thousand eight hundred and sixty six; by John Connell, Esquire, from one thousand eight hundred and sixty six to one thousand eight hundred and eighty three (both inclusive); by Hugh William Seale, Esquire, from one thousand eight hundred and sixty seven to one thousand eight hundred and seventy seven (both inclusive); by Joseph

At his death the said R.F. King was still Rector of St. Philip's the said C. Carter was still Curate of Holy Trinity, and the said J.R. Gooding and N. Greaves were still representatives of the said parish. R.F. King and C. Carter qualified themselves to act as executors; J.R. Gooding and N. Greaves did not. All are now dead save N. Greaves. Successors in office of R.F. King as Rector of St Philip's and of C. Carter as Curate of Holy Trinity Chapel. Representatives of St Philip's in the General Assembly since 1857.

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Letters testamentary granted by the Court of Ordinary to every successor of R. F. King as Rector.

Disclaimer by H. Collymore present Curate of Holy Trinity of office of executor and trustee. Letter testamentary granted to certain of the successors of J. R. Gooding and N. Geaves as representatives of St Philip's including Jos Connell and J. H. Weatherhead.

The several persons who obtained letters testamentary acted as executors and

Henry Weatherhead, Esquire, from one thousand eight hundred and eighty three to one thousand eight hundred and eighty four (both inclusive); by William Dowding Spencer, Esquire, from one thousand eight hundred and eighty four to the present time; and by Henry Eyare Leslie King, Esquire, from one thousand eight hundred and eighty four to the present time; and the said Preston Bruce Austin a former Rector of the parish of Saint Philip on the eighteenth day of May one thousand eight hundred and seventy five qualified himself and obtained from the Court of Ordinary of this Island letters testamentary as executor of the said will, and the said Robert FitzHardinge Berkeley, the present Rector of the said parish, on the fifth day of November one thousand eight hundred and eighty qualified himself and obtained from the Court of Ordinary of this Island letters testamentary as executor of the said will: that the said Henry Collymore, the present Curate of Holy Trinity aforesaid, hath never interfered in the execution of the trusts of the said will, and he hath by deed dated the first day of May one thousand eight hundred and eighty and recorded in the Colonial Secretary's office of this Island disclaimed the office of executor and trustee of the will and he is unwilling to act in any way in the execution of the trusts thereof; that the said Hugh William Seale, Joseph Connell, John Connell, and Joseph Henry Weatherhead, who have from time to time represented the said parish of Saint Philip in the General Assembly, qualified themselves and obtained respectively, on the following dates from the Court of Ordinary of the said Island, letters testamentary as executors of the said will, namely, the said Hugh William Seale and John Connell on the eighteenth day of May one thousand eight hundred and seventy five, the said Joseph Connell on the thirtieth day of April one thousand eight hundred and eighty, and the said Joseph Henry Weatherhead on the twenty fourth day of June one thousand eight hundred and eighty four; that the said John Robert Gooding, Naboth Greaves, Richard Downes Shepherd, William Dowding Spencer, and Henry Eyare Leslie King, who have from time to time since the decease of the said testator represented the parish of Saint Philip in the General Assembly, have never qualified themselves and obtained from the said Court of Ordinary letters testamentary as executors of the said will, and they have not in any way acted or interfered in the execution of the trusts thereof; that the said Preston Bruce Austin and the said Joseph Connell, John Connell, Hugh William Seale, and Joseph Henry Weatherhead, who as aforesaid qualified themselves and obtained from the said

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Court of Ordinary letters testamentary as executors of the said will and acted in the execution of the trusts thereof, severally ceased to act and interfere in the execution of those trusts on their respectively ceasing to hold the respective offices of Rector and representatives as aforesaid of the said parish which were respectively held by them when they severally qualified themselves and obtained letters testamentary to the said will; and they did so, the petitioners have heard and believe, supposing themselves to be authorized to act and interfere in the execution of the trusts of the said will only during the time they respectively held those respective offices and positions; that the petitioners the said Joseph Connell and Joseph Henry Weatherhead, who were the representatives of the said parish of Saint Philip in the General Assembly at the close of the session one thousand eight hundred and eighty three—one thousand eight hundred and eighty four, and who qualified themselves and obtained letters testamentary as aforesaid as executors of the said will whilst they were representatives of the said parish, have since the close of the said session been acting in the execution of the trusts of the will notwithstanding that they have ceased to be representatives of the said parish in the General Assembly, and they are now together with the said Robert FitzHardinge Berkeley their co-petitioner still discharging the functions of executors and trustees of the said will: that although there are several persons now living who as holders of the several offices aforesaid qualified themselves and obtained letters testamentary as executors of the said will, and during their respective tenures of the said offices respectively acted in the execution of the trusts of the said will, and are therefore in a like position with regard to the executorship and trusts of the will of the said testator to that of the petitioners, the said Joseph Connell and Joseph Henry Weatherhead, yet none of those persons are acting or claiming to act or interfere in the execution of the trusts of the said will, and the three petitioners are the only persons who are now acting and discharging the function of executors and trustees of the said will; that the petitioners are informed and believe that none of the persons who have as aforesaid from time to time acted in the execution of the trusts of the said will and have now ceased so to act are under any liability in respect of the trust funds and property; that the school fund which has under the said will come into the hands and within the knowledge of the petitioners for school purposes amounts to the sum of two thousand seven hundred pounds or thereabouts; and also there is one acre of land or thereabouts in the said parish of

trustees of the said will only so long as they severally held the office of Rector or representative of the said parish (as the case was till the end of the session of the General Assembly 1883-1884 since which time J. Connell and J. H. Weatherhead, the representatives of the said parish during that Session have continued to act as executors and trustees although they are not representatives of St Philip's.

And they and the Revd. R. F. Berkeley present Rector of St. Philip's, are now alone acting as executors and trustees

None of the persons formerly acting as executors and trustees under any liability.

Amount of school fund and property.

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Saint Philip which the said testator devised to certain persons who are still living for life and at their decease the land is to be sold and the proceeds thereof are to be added to the said school fund, and the petitioners do not believe and have no reason to think that there is any other school fund or school property; that the school fund is for the most part invested in small sums upon real securities in this Island and it was chiefly so invested before the petitioners obtained letters testamentary as executors of the said will; that the petitioners believe that all or most of the securities for the school fund are good, and such as may be retained by trustees; that there is no special sum of sixty two pounds ten shillings set apart from the school fund or otherwise to restore the school house and buildings in case they should be destroyed as mentioned in the testator's will, and if it should at any time become necessary to restore the school house and buildings the cost thereof could only be defrayed from the general school fund, except they should be destroyed by fire, and that to meet this contingency the school house and buildings are kept insured by the petitioners against loss by fire to the extent of five hundred pounds; that the school buildings and property adjoin lands which belonged to the testator and which were sold after his decease to one William Fields, and that they are the same school buildings and property as those left by the testator and consist at the present time of a school house and dwelling-house combined, with necessary out-offices for the same respectively, and one acre of land or thereabouts attached and belonging thereto with a road to the school and buildings; that the school is kept in the gallery to the house and that the master and mistress of the school reside in the house, and that the house and buildings are in good order; that the school has always since the decease of the said testator been conducted in accordance with the terms of the testator's will, and there are in the school at the present time forty four scholars, of whom twenty four are boys and twenty girls; and the petitioners in and by their said petition prayed the Legislature to pass an Act authorizing the petitioners, the said Joseph Connell and Joseph Henry Weatherhead, to continue to act as trustees of the will and school fund and property along with the persons from time to time holding the said several offices hereinbefore mentioned (other than the present Curate of Holy Trinity), with power for them from time to time if they should think fit to do so to retire from the said trusts, and declaring that all those persons who are still living who have held the office of Rector as aforesaid of the said parish and representatives as aforesaid of the said

State of investment of school fund.

No reserve fund has been set apart, but school buildings insured against destruction by fire.

School buildings and land the same as those left by testator.

School kept in a verandah to the house.

Scholars are 24 boys and 20 girls.

Prayer of said petition; that Jos. Connell and J. H. Weatherhead be authorized to act as executors and trustees, with liberty to retire from the trust; that the past holders of the

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parish and who as such have accepted and taken upon themselves the executorship and trusts of the said will and who have now ceased to hold those respective offices and positions (the petitioners the said Joseph Connell and Joseph Henry Weatherhead excepted) did on the date of their respectively ceasing to hold those respective offices and positions cease to be trustees of the will, school fund, and property, and also that for the future all persons (including the petitioner the said Robert FitzHardinge Berkeley but excepting the present Curate of Holy Trinity) holding those offices and positions shall so long as they hold the same, but no longer, be the trustees of the said will, school fund, and property, and that the school fund and property shall during that period, but no longer, become and be absolutely vested in them without any deed conveying the same to them or divesting them thereof being requisite, and that, owing to the room or place used as the school room and the grounds being very limited in extent, power should be given to the trustees for the time being of the will out of any surplus funds at any time at their disposal to improve the school room and to purchase a piece of land not exceeding two acres adjoining the school to extend the grounds of the school in lieu of increasing the number of scholars at the school beyond the number mentioned in the will until they can manage to do so after making the desired improvements, and also that the trustees should be allowed by Act of the Legislature to teach in the school such subjects other than those mentioned in the will as they might from time to time find it convenient and proper to teach, and also to increase the salaries of the master and mistress of the said school (beyond the amounts fixed in the said will) when they shall have money to do so to what may from time to time be a reasonable amount for each scholar: And whereas it is deemed expedient to grant the prayer of the said petition with the following alterations and amendments, namely, appointing George Edward Elliott, the present Curate of Saint Martin's and all future holders of that office as one of the trustees and executors of the said will; and relieving the said Joseph Connell and Joseph Henry Weatherhead from the said trusteeship and executorship on their accounting as hereinafter provided: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the Short title. Hutchinson School (Saint Philip's) Act, 1887.

2. The said Robert FitzHardinge Berkeley and George The present and Edward Elliott and the other persons now or hereafter all future hold-

several offices above-mentioned be declared to have ceased to be executors and trustees on vacating those offices; that in future the office of trustee and the property should by law devolve on and be vested in the holders from time to time of those offices; that the school room may be improved and a play ground purchased out of surplus income before the number of scholars is further increased: that additional subjects may be taught in the school; that the salaries of the master and mistress may (if practicable) be increased.

To what extent and with what variation petition granted.

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ers of the offices herein mentioned (except the present Curate of Holy Trinity) to be executors and trustees of the said will. Release of the said J. Connell J. H. Weatherhead

holding the several offices hereinbefore and in the said will mentioned and the office of Curate of Saint Martins, so long as such persons shall hold the said offices (other than the present Curate of Holy Trinity Chapel), shall be and they are hereby declared to be executors and continuing trustees of the will of the said Emanuel John Cock Hutchinson and the said school fund and property. On the said Joseph Connell and Joseph Henry Weatherhead duly and properly accounting for all of the said school fund and property (if any) which shall have come to their hands they shall be free from all liability on account or by reason of their having acted as executors and trustees of the said will.

Determines the trusteeship of the several persons who at one time held the offices herein mentioned on the several dates of their vacating such offices. Proviso.

3. The several persons named in the preamble of this Act who have been and have now ceased to be Rector of the said parish of St. Philip or Curate of Holy Trinity (including the present Curate) or members of Assembly for the said parish of Saint Philip respectively are hereby declared to have ceased to be executors and trustees of the said will and school fund and property from the times they respectively ceased to hold such offices and positions; but this Act shall be no bar to any proceedings against such persons or either of them in respect of any wrongful act (if any) done or committed while acting as executors and trustees of the said will.

The office of executor and trustee and the trust property by operation of law and without deed to devolve on and be vested in the holders for the time being of the offices herein mentioned.

4. The present Rector of the said parish of Saint Philip and the present members of Assembly for the said parish and the present Curate of Saint Martin's and all persons who may for the future hold those respective offices and positions, together with the person who shall after the death or resignation of the present Curate be at any time Curate of Holy Trinity, shall (so long as they hold those respective offices and positions but no longer) be the executors and trustees of the said will and school fund and property, and the said school fund and property shall immediately on their becoming the holders of such offices or positions become vested in such persons without any deed conveying the same to them being requisite, and on their ceasing to hold such offices or positions no deed divesting them of such school fund or property shall be necessary, and when and as any person shall cease to hold any of the said offices or positions he shall duly account to the then continuing executors and trustees for any part of the school fund or property which may have come to his hands and possession and which may be then unaccounted for by him.

Surplus income of the trust fund

5. The executors and trustees for the time being of the said will and school fund and property are hereby authorized

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to delay increasing the number of scholars beyond the number at present stated by the said petition to be in the said school for such time as they shall think fit, and in lieu thereof from time to time out of any surplus moneys that may be in their hands out of the income of the said school fund to improve and extend the said school building, and to purchase a piece of land adjoining thereto not exceeding two acres to be used as a playground and for other purposes of a school.

may be laid out in improving the school building and purchasing a play ground, before the number of scholars is further increased.

6. The executors and trustees for the time being of the said will and school fund and property are hereby authorized in addition to the subjects mentioned in the said will to have and allow such other subjects to be taught in the school as they shall from time to time think fit and find it proper and convenient to teach, and from time to time to pay to the master and mistress of the said school such reasonable and sufficient salaries as the income of the school fund, after providing for the expenses of the said school and of the scholars therein, shall permit, and as such trustees shall think fit.

Additional subjects may be taught in the school;

and the salaries of the master and mistress increased, if practicable.

7. The executors and trustees for the time being of the said will and school fund and property are hereby authorized, out of any moneys which now are or which hereafter may come to their hands, to pay the costs and expenses of preparing and passing this Act or incident thereto.

Expenses of obtaining this Act how to be paid.

An Act to vest two several sums of money and interest and securities in this Island in the Rector, the Parochial Treasurer, and Churchwarden for the time being respectively of the parish of Saint Philip in the said Island upon certain trusts of the will of Edward Blades, late of this Island, deceased.

[6 September 1887.]

WHEREAS the Vestry of the parish of Saint Philip have by their petition to the Legislature of this Island represented that Edward Blades, late of the said parish of Saint Philip, planter, deceased, by his last will dated the sixteenth day of December one thousand eight hundred and forty eight, gave, devised, and bequeathed unto his wife Mary Jane Blades his place whereon he then resided (being a plantation now called "Charity Hall") during her natural life, and he ordered

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and directed that immediately after her decease the aforesaid place and the buildings thereon should be sold either by public or private sale, and that the money or moneys arising from the sale or sales thereof should be applied to the purposes thereafter mentioned, and he directed his executors, or either of them who should qualify to his will, to execute proper and sufficient sale or sales for the purpose or purposes, and that the said purchase moneys should be put out at interest upon the best security that could be obtained for the same, and that the person or persons to whom the money might at any time be lent should be known to have a sufficiency of property to give unquestionable security for the same, and at the highest legal interest, which interest he directed to be equally divided every year among twelve deserving poor and reputable persons of the white population to be selected by the Rector of the said parish and his executors thereafter mentioned, and that the said Rector should be every year requested as soon as the said money was received to distribute it to the twelve deserving poor as before-mentioned, and it was his will and wish that at the death of any or either of his executors, such vacancy or vacancies so occasioned should be filled up by the appointment of his surviving executors, or upon all their deaths by the persons appointed by them to act, so that the number might be kept up to four beside the Rector of the aforesaid parish, and that his will and meaning was that upon this foundation the above-mentioned principal sum of money should continually remain at interest for the use and benefit of twelve deserving persons as above-mentioned, and that the testator thereby appointed his friends William Henry Hutchinson, James Thomas Hutchinson, Edward Thomas Boxill, and John Robert Gooding executors of his will; that the said Edward Blades died on the eleventh day of August one thousand eight hundred and fifty, without having altered or revoked his said will, and the said will was on the twenty fourth day of the said month of August duly proved and recorded in the Colonial Secretary's office of this Island, and on the same date the said William Henry Hutchinson qualified himself to act as executor thereof, and that he alone then qualified himself to act as executor thereof; that on or about the eighth day of November one thousand eight hundred and sixty the said Mary Jane Blades died, and shortly after her death the said place "Charity Hall" was sold by the said William Henry Hutchinson, as executor as aforesaid, to one Samuel Henry Field for the sum of four hundred and thirty five pounds sterling money and that the said purchase money appeared to have been paid and settled as follows, namely,

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the sum of one hundred and thirty five pounds was paid in cash, and the balance or sum of three hundred pounds with lawful interest thereon was secured to be paid to the said William Henry Hutchinson as executor as aforesaid, by a judgment confessed by the said Samuel Henry Field to the said William Henry Hutchinson, executor as aforesaid, on the tenth day of January one thousand eight hundred and sixty one, in the Court of Common Pleas for this Island special against the said place "Charity Hall," and that on the said judgment a writ of execution duly issued; that the said petitioners did not know in what state of investment the said sum of one hundred and thirty five pounds was placed by the said William Henry Hutchinson, executor as aforesaid, when he received the same, but that they believed that the annual interest thereon was up to the date of its investment hereinafter mentioned duly applied in accordance with the directions contained in the said testator's will: that on the seventh day of November one thousand eight hundred and sixty two the said Edward Thomas Boxill qualified himself to act as executor under the said will, and that the said sum of one hundred and thirty five pounds appeared to have been lent by him to one William Boxill then the proprietor of a dwelling house with certain lands attached thereto called "Boxill's," situate at the Crane, in the said parish of Saint Philip, and that the said sum of one hundred and thirty five pounds with lawful interest thereon was secured to be paid to the said Edward Thomas Boxill, executor as aforesaid, by a general judgment confessed by the said William Boxill to the said Edward Thomas Boxill, executor as aforesaid, in the said Court of Common Pleas for this Island on the second day of December one thousand eight hundred and sixty four, and that on the said judgment a writ of execution duly issued; that on the fifteenth day of December one thousand eight hundred and sixty five the said John Robert Gooding qualified himself to act as executor under the said will; that the said James Thomas Hutchinson died on the eleventh day of February one thousand eight hundred and fifty four without having ever qualified himself to act as executor of the said will, and that he did not appear in any way to have acted or interfered in the execution of the trusts thereof; that the said William Henry Hutchinson died on the twenty eighth day of December one thousand eight hundred and sixty seven, and that no appointment to fill the vacancy occasioned by his death was made by the surviving executors; that the said Edward Thomas Boxill died on the twenty first day of June one thousand eight hundred and seventy one, and that no appointment to fill the vacancy

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occasioned by his death was made by the surviving executor, the said John Robert Gooding, and that the said John Robert Gooding died sometime in the month of October one thousand eight hundred and eighty five, and that there was then no one who under the terms of the said will would be authorized to carry out the trusts of the said will in respect of the said sums of three hundred pounds and one hundred and thirty five pounds, and receive and give discharges for the annual interest on the same and apply the said annual interest in accordance with the directions contained in the said will ; and the said petitioners in and by their said petition prayed the Legislature to pass an Act to vest the said sums of three hundred pounds and one hundred and thirty five pounds and the interest thereof respectively, and the securities for the same respectively, in the Reverend Robert Fitz Hardinge Berkeley, Rector of the said parish, Matthew Robert Hunte Gooding, Parochial Treasurer of the said parish, and John Stephen Pilgrim, Churchwarden of the said parish, or other the persons who should from time to time be and constitute respectively the Rector, the Parochial Treasurer and the Churchwarden of the said parish of Saint Philip, upon the trusts and for the purposes declared concerning the same by the testator the said Edward Blades in his said will ; And whereas it is deemed expedient to grant the prayer of the said petition : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Blades Trust Fund, (Saint Philip's) Act, 1887.

The funds to vest in the Rector, Parochial Treasurer, and Churchwarden of the parish and their respective successors upon the trusts declared in testator's will.

2. The said several sums of three hundred pounds and one hundred and thirty five pounds, and the interest thereof respectively, and the securities for the same, shall respectively vest and they are hereby declared to be vested in the said Robert Fitz Hardinge Berkeley, Matthew Robert Hunte Gooding, and John Stephen Pilgrim, the present Rector, Parochial Treasurer, and Churchwarden as aforesaid of the said parish of Saint Philip, and the persons who shall from time to time be and constitute the Rector, the Parochial Treasurer, and the Churchwarden of the said parish (so long as they respectively shall hold those respective offices and positions, but no longer) upon the trusts and for the purposes declared concerning the same respectively in and by the said will of the testator, the said Edward Blades, deceased, and the said several sums and interest and the securities for the same respectively shall from time to time and immediately on any change occurring in the person or persons holding

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one or all of the said offices become vested in the person or persons becoming the holders of such office or offices and positions without any deed assigning or conveying the same to them, and on their ceasing respectively to hold such office or offices and positions no deed divesting them of the same shall be necessary ; and when and as any person or persons respectively shall respectively cease to hold such office or offices or positions he or they shall duly account to the then Rector and Vestry of the said parish for any part of the moneys and interest which may have come to his or their hands and possession, and which may be then unaccounted for by him or them.

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An Act to provide for the establishment of Industrial and Provident Societies in this Island.

[6 March 1888.]

WHEREAS it is expedient to provide for the establishment of industrial and provident societies in this Island : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short Title of Act.

1. This Act may be cited as the Industrial and Provident Societies Act, 1888. Short title.

Definitions.

2. In this Act, if not inconsistent with the context, the following terms shall have the meanings hereinafter respectively assigned to them, namely :— Definitions.

“ land ” shall include hereditaments and chattels real ;

“ property ” shall mean all real and personal estate (including books and papers) ;

“ registered society ” shall mean a society registered or deemed to be registered under this Act ;

“ amendment of rule ” shall include a new rule, and a resolution rescinding a rule ;

“ rules ” shall mean rules for the time being ;

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- “the committee” shall mean the committee of management or other directing body of a society ;
- “persons claiming through a member” shall include the heirs, executors, administrators, and assigns of a member, and also the nominees where nomination is allowed ;
- “officer” shall extend to any trustee, treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee of a society ;
- “meeting” shall include (where the rules of a society so allow) a meeting of delegates appointed by members ;
- “directors” means, (1) in the case of a society or branch whose property is vested in trustees, the trustees for the time being ; (2) in any other case, the directing authority by whatever name it may be called.

Appointment of the Registrar and his fees.

Registrar and his fees.

3. The Registrar of friendly societies shall be the Registrar under this Act, and he shall not receive any salary but shall be entitled to claim the fees as specified in schedule I to this Act ; provided always that the Chief Justice may determine from time to time a scale of fees (other than those mentioned in the scale of fees of the said schedule) for matters (other than those mentioned in the said schedule) to be transacted by the Registrar, or for the inspection of documents under this Act, and such fees shall also be for the Registrar's own use and benefit.

Existing Societies.

Societies existing under special Act not to be registered hereunder.

4. No industrial or other provident society which has been incorporated under any special Act of this Island shall, so long as such special Act continues in force, be also registered under this Act.

Societies which may be registered.

Societies to which this Act applies.

5. The societies which may be registered under this Act are societies (herein called “industrial and provident societies”) for carrying on any labour, trade, or handicraft, whether wholesale or retail, including the buying and selling or the buying and working of land, but as to the business of

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banking subject to the provisions hereinafter contained, of which societies no member other than a society registered under this Act shall have or claim an interest in the funds exceeding two hundred pounds.

Registry of societies.

6. With respect to the registry of societies, the following provisions shall have effect :—

(1.) No society can be registered under this Act which does not consist of seven persons at least. Society to consist of seven persons at least.

(2.) For the purpose of registry, an application to register the society signed by seven members and the secretary, and two written or printed copies of the rules, shall be sent to the Registrar. The application for registry.

(3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely in the opinion of the Registrar to deceive the members of the public as to its identity, and no society shall change its name without the sanction of the Registrar, or otherwise than is hereinafter provided. Identity or deceptive similarity of name not allowed.

(4.) The word “limited” shall be the last word in the name of every society registered under this Act. “Limited” to be last word of name

(5.) The Registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry. Acknowledgment of registry.

(6.) If the Registrar refuse to register the society or any rules, he shall give his reasons for doing so, and the society may appeal from such refusal to the Chief Justice in chambers, and the Chief Justice may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto. Appeal from refusal to register.

(7.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the Registrar. If refusal overruled acknowledgment to be given.

(8.) The acknowledgement of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled. Effect of acknowledgment of registry.

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Cancelling and suspension of registry.

7. With respect to the cancelling or suspension of registry the following provisions shall have effect :—

Cancelling of
registry.

(1.) The Registrar may cancel the registry of a society by writing under his hand ;

(a) if he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct ;

(b) with the approval of the Chief Justice on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully, and after notice from the Registrar, violated any of the provisions of this Act, or has ceased to exist.

Suspension of
registry

(2.) The Registrar, in any case in which he might with the approval of the Chief Justice cancel the registry of a society may suspend the same by writing under his hand for any term not exceeding three months ; and may with the approval of the Chief Justice renew such suspension from time to time for the like period.

Notice of cancel-
ling or suspen-
sion.

(3.) Not less than two months' previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the Registrar to a society before the registry of the same can be cancelled (except at its request) or suspended ; and notice of every cancelling or suspension shall be published in the Official Gazette, as soon as practicable after the same takes place.

Appeal from can-
celling or sus-
pension.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the Registrar's refusal to register.

Effect of cancel-
ling or suspen-
sion.

(5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society which may be enforced against the same as if such suspension or cancelling had not taken place.

*Industrial and Provident Societies Act.**Rules and amendments.*

8. With respect to the rules of societies the following provisions shall have effect :—

(1.) The rules of every society sent for registry shall contain provisions in respect of the several matters mentioned in schedule II to this Act. Provisions to be contained in rules.

(2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the Registrar. Amendments to be registered.

(3.) The provisions herein contained as to appeals from a refusal of registry shall apply to amendments of rules. Appeal from refusal to register same.

(4.) The Registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered. Acknowledgment of registry of amendments.

(5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling. Copy of rules to be delivered on demand.

(6.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanour. Delivery of untrue rules.

Duties and obligations of societies.

9. With respect to the duties and obligations of registered societies the following provisions shall have effect :— Duty of society as to

(1.) Every society shall—

- (a) have a registered office to which all communications and notices may be addressed, and send to the Registrar notice of the situation of such office, and of every change therein ; Registered office

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Publication of
name.

- (b) paint or affix, and keep painted or affixed, its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, in letters easily legible, and have its name engraved in legible characters on its seal, and have its name mentioned in legible characters in all notices, advertisements, and other official publications of the society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of such society, and in all bills of parcels, invoices, receipts, and letters of credit of the society;

Audit of ac-
counts.

- (c) once at least in every year submit its accounts for audit either to two or more persons appointed, as the rules of the society may provide, who shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society in what respects they find it incorrect, unvouched, or not in accordance with law;

Annual returns.

- (d) once in every year before the first day of June send to the Registrar a general statement (to be called the annual return) of the receipts and expenditure, funds and effects of the society, as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the thirty first day of December then last (inclusively) and shall state the name, address, and calling or profession of the persons by whom the audit has been conducted, and the manner in which, and the authority under which, they were appointed, and together therewith shall send a copy of the auditor's report;

Permitting in-
spection of
books.

- (e) allow any member or person having an interest in the funds of the society to inspect the books and the names of the members at all reasonable hours at the registered office of the society, or at any place where the same are kept; subject to such regulations as to the time and manner of such inspection as may be made from time to time by the general meetings of the society, except that no

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such member or person, unless he be an officer of the society, or be specially authorized by a resolution thereof, shall have the right to inspect a loan or deposit account of any other member without the written consent of such member ;

- (f) supply gratuitously to every member or person interested in the funds of the society, on his application, a copy of the last annual return of the society for the time being ; Gratuitously supplying copies of annual returns. •
- (g) keep a copy of the last balance sheet for the time being together with the report of the auditors always hung up in a conspicuous place at the registered office of the society :— Keeping balance sheet hung up at office.

(2.) The following provisions shall apply to the business of banking by societies :— Provisions as to banking.

- (a) no society which has any withdrawable share capital shall carry on the business of banking ;
- (b) every society which carries on the business of banking shall, on the second Mondays in February and August in each year, make out and keep conspicuously hung up in its registered office, and every other place of business belonging to it, a statement in the form in schedule III hereto annexed, or as near thereto as the circumstances admit ;
- (c) the taking deposits of not more than five shillings in any one payment, nor more than twenty pounds for any one depositor, payable on not less than two clear days' notice, shall not be included in the business of banking within the meaning of this Act ; but no society which takes such deposits shall make any payment of withdrawable capital while any claim due on account of any such deposit is unsatisfied.

(3.) It shall be an offence under this Act if any registered society, Offences.

- (a) fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society is by this Act required to give, send, do, or allow to be done ;
- (b) wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person authorized under this Act, or does any act or thing forbidden by this Act ;

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- (c) makes a return or wilfully furnishes information in any respect false or insufficient ;
- (d) carries on the business of banking having any withdrawable share capital, or in carrying on such business does not make out and keep conspicuously hung up such statement as is hereinbefore required, or makes any payment of withdrawable capital contrary to the provision hereinbefore contained.

Offences by societies to be also held offences by its officers &c.

(4.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil the duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence ; and every act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the same continues.

Returns to be in prescribed form.

(5) Every return and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the Registrar prescribes.

Recording of documents.

(6.) All documents by this section required to be sent to the Registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the Registrar with such observations thereon, if any, as he may think fit.

Privileges of societies.

10. Registered societies shall be entitled to the following privileges :—

Incorporation of society with limited liability.

(1.) The registration of a society shall render it a body corporate by the name described in the certificate of registration by which it may sue and be sued, with perpetual succession and a common seal, and with limited liability ; and shall vest in the society all property for the time being vested in any person in trust for the society.

Rules of society to bind the members.

(2) The rules of the society shall bind the society and all members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto and there were contained in such rules a covenant on the part of himself his heirs executors and administrators to conform thereto, subject to the provisions of this Act.

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(3.) All moneys payable by a member to the society shall be a debt due from such member to the society, and shall be recoverable as such either in the Petty Debt Court of the district in which the registered office of the society is situate, or that of the district in which such member resides, at the option of the society.

Moneys due from members to be debts recoverable from them.

(4.) A member of a society not being under the age of sixteen years may by writing under his hand, delivered or sent to the registered office of the society, nominate any person not being an officer or servant of the society (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator) to whom his shares in the society shall be transferred at his decease; provided that the amount credited to him in the books of the society does not exceed fifty pounds, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent, but not otherwise, and every such society shall keep a book wherein the names of all persons so nominated shall be regularly entered, and the shares comprised in any such nomination shall be transferable to the nominee although the rules of the society declare its shares to be generally not transferable; and on receiving satisfactory proof of the death of a nominator the committee of the society shall either transfer the shares in manner directed on such nomination or pay to every person entitled thereunder the full value of his interest at their option, unless the shares if transferred to any such nominee would raise his interest in the society to an amount exceeding two hundred pounds, in which case they shall pay him the full value of such shares not exceeding the sum aforesaid.

Power of nomination to receive sums not exceeding £50.

(5.) A nomination may be partly printed, and if made in a book kept at the office shall be taken to be delivered at such office.

Nomination may be printed.

(6.) A depositor in any savings bank registered under this Act not being under sixteen years of age may by writing under his hand, delivered at or sent to the office, nominate any person not being an officer or servant of the directors (unless such officer or servant be the husband, wife, father, mother, child, grandchild, brother, sister, nephew, or niece of the nominator) to whom any sum, not exceeding fifty pounds which may remain due to such depositor at his decease, may be paid at such decease, and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the directors shall

Nominations by depositors in savings banks registered under this Act.

Industrial and Provident Societies Act.

pay to the nominees the sum due to the deceased depositor, provided it does not exceed one hundred pounds.

Provision for
illegitimacy of
members.

(7.) If a member of any society who is entitled to make a nomination under this Act is illegitimate, and has died intestate and without having made any such nomination subsisting at his death, the directors may pay the sum which such member might have nominated to or among the person or persons who, in the opinion of the majority of them, would have been entitled thereto if such member had been legitimate, or, if there are no such persons, then the deposits shall be dealt with as the Governor-in-Executive Committee may direct.

Payments made
by directors under
aforesaid
power to be a
complete dis-
charge.

(8.) All payments made by directors under the powers aforesaid shall be valid with respect to any demand of any other person as next of kin of a deceased member, or as his lawful representative, or person claiming to be such representative, against the society or savings bank, or the directors, but such next of kin, representative, or claimant may recover such money so paid as aforesaid against the person or persons who shall have received the same.

Distribution of
sums not exceed-
ing £50 belong-
ing to deceased
member.

(9.) If any member of a society, entitled to an interest in the society not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such interest shall on the expiration of one month after his death be transferable or payable, without letters of administration, to or among the persons who appear to a majority of the committee upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Payments to per-
sons apparently
entitled valid.

(10.) Whenever the committee, after the decease of any member, make any payment or transfer to any person who at the time appears to them to be entitled under this section, the payment or transfer shall be valid and effectual against any demand made upon the committee or the society by any other person.

Membership of
minors.

(11.) A person under the age of twenty one but above the age of sixteen, may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee, trustee, manager, or treasurer of the society.

Promissory notes
and bills of ex-
change.

(12.) A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of any society, if made, accepted, or endorsed in the name of

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the society, or by or on behalf or account of the society, by any person acting under the authority of the society.

(13.) Any register or list of members or shares kept by any society shall be prima facie evidence of any of the following particulars entered therein ; Effect of register of members or shares.

- (a) the names, addresses, and occupations of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares ;
- (b) the date at which the name of any person, company, or society was entered in such register or list as a member ;
- (c) the date at which any such person, company, or society ceased to be a member.

(14) Contracts on behalf of the society may be made varied or discharged as follows ; Contracts how made varied or discharged.

- (a) any contract, which if made between private persons would be by law required to be in writing and under seal, may be made on behalf of the society in writing under the common seal of the society, and may in the same manner be varied or discharged ;
- (b) any contract, which if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the expressed or implied authority of the society, and may in the same manner be varied or discharged ;
- (c) any contract under seal, which if made between private persons might be varied or discharged at law or in equity by a writing not under seal signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal signed by any person acting under the expressed or implied authority of the society ;
- (d) any contract, which if made between private persons would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the expressed or implied authority of the society, and may in the same manner be varied or discharged ;

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- (e) a signature purporting to be made by a person holding any office in the society attached to a writing whereby any contract purports to be made, varied, or discharged by or on behalf of the society, shall prima facie be taken to be the signature of a person holding at the time when the signature was made the office so stated.

And all contracts which may be made, varied, or discharged according to the provisions herein contained, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto their heirs executors or administrators as the case may be.

Property and funds of societies.

11. With respect to the property and funds of registered societies, the following provisions shall have effect :—

Holding of land.

(1) a society may (if its rules do not direct otherwise) hold, purchase, or take on lease in its own name any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again re-build), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any such sale, exchange, mortgage, or lease by the society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, or lease.

Cultivation or management of land.

(2) Subject to any rules, a society may, if its rules do not direct otherwise, cultivate or manage any land held, purchased, or taken on lease by it in such manner as it shall deem best.

Advances to members.

(3) The rules may provide for the advancing of money by the society to members on the security of real or personal property.

Investments.

(4) A society may, if its rules so allow, invest any part of its capital in the shares or on the security of any other society registered under this Act, or of any company registered under the Joint Stock Companies Acts of Great Britain and Ireland and of this Island, or incorporated by Act of the Imperial Parliament or of this Island, or by charter, provided that no such investment be made in the shares of any society or company other than one with limited liability, and a society so investing may make such investment in its registered name.

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(5) Any other body corporate may, if its regulations permit, hold shares by its corporate name in a society. Other corporate bodies may hold its shares.

(6) In the rules or any schedule thereto may be set forth the forms of conveyance, surrender, mortgage, transfer, agreement, bond, or other instrument necessary for carrying the purposes of the society into effect. Forms of conveyance &c.

(7) The profits of the society may be applied to any lawful purpose. Application of profits.

(8) A receipt under the hands of two members of the committee of the society, countersigned by the secretary, in the form contained in schedule IV to this Act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance endorsed upon or annexed to such mortgage or other assurance, shall vacate the same, and vest the property therein comprised in the person entitled to the equity of redemption of the same, without re-conveyance or re-surrender; but satisfaction shall still be made on the records of judgment as usual. Discharge of mortgages, by receipt endorsed.

(9) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorized by this Act, he shall, on the complaint of the society, or of any member authorized by the society, or the committee thereof, or of the Registrar, be liable on summary conviction to a penalty not exceeding twenty pounds with costs and to be ordered to deliver up all such property or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned with or without hard labour, for any time not exceeding three months: but nothing herein contained shall prevent any such persons from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act. Punishment of fraud or misappropriation.

Officers in receipt or charge of money.

12. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect:—

- (1) every officer, if the rules of the society require, shall before taking upon himself the execution of Security to be given by officers.

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his office become bound, either with or without a surety as the committee may require, in a bond according to one of the forms set forth in schedule III to this Act, or such other form as the committee of the society approve, or give the security of a guarantee society as authorized by the law of this Island, in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the committee thereof require him to do, and for the payment by him of all sums due from him to the society.

Accounts of officers.

- (2) Every officer his executors or administrators shall, at such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or the committee appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the society may sue upon the bond or security before mentioned, or may apply to the Assistant Court of Appeal in its original jurisdiction or any other court of summary jurisdiction, and the order of such court shall be final and conclusive.

Disputes.

Disputes.

13. With respect to disputes concerning registered societies, the following provisions shall have effect;

To be decided as directed by rules of society.

- (1) Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society, if they contain any such direction, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement

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thereof may be made to the Assistant Court of Appeal in its original jurisdiction.

- (2) The parties to a dispute of a society may, by consent May be referred (unless the rules of such society expressly forbid it), to Registrar. refer such dispute to the Registrar, who shall hear and determine such dispute and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society.
- (3) The Registrar to whom any dispute is referred may Registrar may administer oaths administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such Registrar, shall be guilty of an offence under this Act.
- (4) Where the rules of a society direct that disputes Reference of disputes to a Police Magistrate. shall be referred to a Police Magistrate, the dispute shall be determined by a court of summary jurisdiction; provided that in every case of dispute cognizable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the Assistant Court of Appeal in its original jurisdiction which may hear and determine the matter in dispute.
- (5) Where the rules contain no direction as to disputes, or where no decision is made on a dispute Application to the Assistant Court of Appeal. within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the Assistant Court of Appeal in its original jurisdiction or to any other court of summary jurisdiction, which may hear and determine the matter in dispute.
- (6) The court or Registrar may, at the request of either Case may be stated for opinion of the Court of Common Pleas. party, state a case for the opinion of the Court of Common Pleas on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents as might be granted by any court of law or

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equity ; such discovery to be made on behalf of the society by such officer of the same as such court or Registrar may determine.

Special powers of Registrar to be exercised on application from members.

Registrar may on application of one fifth of whole number of members,

14: With respect to the inspection of the affairs of registered societies, the following provisions shall have effect ;

(1) upon the application of one fifth of the whole number of members of a registered society, the Registrar with the consent of the Chief Justice in every case, may ;

appoint inspectors,

(a) appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly ;

call special meeting.

(b) call a special meeting of the society in such manner and at such time and place as the Registrar may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have powers to appoint its own chairman, any rule of the society to the contrary notwithstanding.

Application to be supported by evidence.

(2) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the Registrar shall direct.

Security for costs.

(3) The Registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling such meeting.

Expenses.

(4) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society, as the Registrar shall direct.

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Special resolutions and proceedings which may be taken thereon.

15. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect:—

(1) A special resolution is one which is passed by a majority of not less than three fourths of such members of a society for the time being entitled under the rules to vote as may be present, in person or by proxy, (where the rules allow proxies), at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present, in person or by proxy, at a subsequent general meeting, of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact. Special resolutions, what are.

(2) A society may by special resolution, with the approval in writing of the Registrar, change its name; but no such change shall affect any right or obligation of the society or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding its new name. By them society may change its name;

(3) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them; and any society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society. amalgamate with another society; or

(4) A society may by special resolution determine to convert itself into a company under the Companies Act, or to amalgamate with or transfer its engagements to any such company. convert itself into a company.

(5) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto. Saving of rights of creditors.

(6) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, Registration of special resolutions.

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shall be sent to the Registrar's office and registered there, and until such copy is so registered such special resolution shall not take effect.

Registration of copy of special resolution as a memorandum of association.

(7) If a special resolution for converting a society into a company contains the particulars by the Companies Act required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the Registrar's office, a copy of such resolution under the seal or stamp of the Registrar's office shall have the same effect as a memorandum of association duly signed and attested under the said Act.

Registry of society under this Act to become void on its registration as a company &c.

(8) If a society be registered as, or amalgamates with, or transfers all its engagements to, a company, the registry of such society under this Act shall thereupon become void, and the same shall be cancelled by the Registrar; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, shall have priority as against the property of such company over all other rights or claims against or liabilities of such company.

Dissolution of societies.

16. With respect to the dissolution of registered societies, the following provisions shall have effect:—

How societies may be dissolved.

(1) A society may be dissolved—

by an order to wind up the society, or a resolution for the winding up thereof made as is directed in regard to companies by the Companies Act, the provisions whereof shall apply to any such order or resolution, except that the court having jurisdiction in the winding up shall be the Assistant Court of Appeal in its original jurisdiction, and that the term Registrar shall for the purpose of such winding up mean the Registrar's office; or,

by the consent of three fourths of the members, testified by their signatures to an instrument of dissolution.

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(2) Where a society is wound up the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributors amongst themselves, shall be qualified as follows :—

Liability of the members when it is wound up

- (a) no individual, society, or company who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute ;
- (b) no individual, society, or company shall be liable to contribute in respect of any debt or liability contracted after he or it ceased to be a member ;
- (c) no individual, society, or company not a member, shall be liable to contribute unless it appears to the court that the contributions of the existing members are insufficient to satisfy the just demands of the society ;
- (d) no contribution shall be required from any individual, society, or company exceeding the amount, if any, unpaid on the shares in respect of which he or it is liable as a past or present member ;
- (e) an individual, society, or company shall be taken to have ceased to be a member in respect of any withdrawable share withdrawn from the date of the notice or application for withdrawal.

(3) Where a society is terminated by an instrument of dissolution the following provisions shall apply :—

Contents of any instrument of dissolution.

- (a) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of creditors (if any) and the provisions to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the Registrar ;
- (b) alterations in the instruments of dissolution may be made with the like consents as hereinbefore provided and testified in the same manner ;
- (c) an affidavit shall be made by three members and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the Registrar with the instrument of dissolution ;

Alterations therein.

Affidavit

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and any person knowingly making a false or fraudulent affidavit in the matter shall be guilty of misdemeanour ;

Registry of instrument &c.

(d) the instrument of dissolution and all alterations therein shall be registered in the manner herein provided for the registry of rules, and shall be binding upon all the members of the society ;

Notice of dissolution.

(e) the Registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the Official Gazette, and unless within three months from the date of the Official Gazette in which such advertisement appears a member, or other person interested in or having any claim on the funds of the society, commences proceedings to set aside the dissolution of the society in the Assistant Court of Appeal in its original jurisdiction, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Notice to Registrar of proceedings to set aside dissolution.

(f) Notice shall be sent to the Registrar's office of any proceedings to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside within seven days after it is made by the society.

Penalties.

Penalty

17. With respect to penalties under this Act, the following provisions shall have effect :—

for falsification of balance sheet &c.

(1.) If any person wilfully makes, orders, or allows to be made, any entry, erasure in, or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he shall be liable to a penalty not exceeding fifty pounds.

for not using name of the society,

(2.) If any officer of the society, or any person on its behalf, uses any seal purporting to be a seal of the society, whereon its name is not so engraved as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of the society, or signs or authorizes to be

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signed on behalf of the society any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bills of parcels, invoice, receipt, or letters of credit of the society, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, order for money or goods, for the amount thereof unless the same is duly paid by the society.

(3.) Every society, officer, or member of a society, or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a penalty of not less than one pound, and not more than five pounds. for offences not otherwise provided for.

(4.) The penalties imposed or to be imposed (1) by this Act, (2) by any regulations under the same, or (3) by the rules of a registered society, shall be recoverable in a court of summary jurisdiction, and at the suit, in cases (1) and (2), of the Registrar or of any person aggrieved, and in case (3), of the society. Recovery of penalties.

Summary procedure and appeals.

18. With respect to summary procedure and appeals from orders or convictions thereon made, the following provisions shall have effect :—

(1.) All offences and penalties under this Act may be prosecuted and recovered before a Police Magistrate in summary manner, as respects a prosecution against a society or its officers, in the place where the registered office of the society is or where the offence has been committed, or as respects a prosecution against any person other than a society or its officers, in the place where such person is resident at the time of the institution of such prosecution, or where the offence was committed. Prosecution for offences.

(2.) Summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in the manner provided by the Police Magistrates Act 1905. Summary orders.

(3.) All offences and all penalties under this Act shall (unless otherwise provided) be prosecuted and recovered in a summary manner, and all penalties shall (unless otherwise provided) be paid into the Public Treasury for the uses of the Island. Mode of prosecution and disposal of penalties.

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Description of offences.

(4.) In any information or complaint under this Act it shall be sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived.

Regulations to be made for carrying out the Act.

Chief Justice to make regulations.

19. The Chief Justice may from time to time make regulations respecting registry and procedure under this Act, and the forms to be used for such registry, and the duties and functions of the Registrar, and the inspection of documents kept by the Registrar under this Act, and the fees to be paid to the Registrar for duties for which no fee is otherwise provided by this Act, and generally for carrying this Act into effect.

To be laid before the Legislature.

All such regulations shall be laid before both the Legislative Council and the House of Assembly within ten days after the same are made, if they are then in session, or if not then sitting, then within ten days from the then next assembling thereof.

Until otherwise provided the forms contained in schedule IV to this Act shall be used.

Evidence of documents.

Evidence of documents.

20. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office shall be received in evidence without further proof, and every document purporting to be signed by the Registrar, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Certain duties of the Registrar.

Report to be made by Registrar annually to the Legislature.

21. The Registrar shall every year lay before both the Legislative Council and the Assembly a report of his proceedings and of the principal matters transacted by him and of the valuations returned to or caused to be made by him during the preceding year.

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SCHEDULE I.

FEES TO BE PAID TO THE REGISTRAR.

	£	s.	d.
For examining rules submitted with the object of registration	1	1	0
For examining any proposed alteration or amendment of rules, and certifying the same to be in conformity with law	1	1	0
For registering the amalgamation into one of two or more societies	1	1	0
For the performance of any duty under sub-sections two, six, seven, and eight of section fifteen.	10	0	
For erasing the name of any society from the register	10	0	
For settling any question under sub-section two of section thirteen of this Act, or sub-section three of section sixteen	2	2	0
For granting certificate of registration to any new society	1	1	0

SCHEDULE II.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES REGISTERED UNDER THIS ACT.

1. Object, name, and place of office of the society.
2. Terms of admission of the members, including any society or company investing funds in the society under the provisions of sub-section (4) or sub-section (5) of section eleven.
3. Mode of holding meetings and right of voting, and of making altering or rescinding rules.
4. The appointment and removal of a committee of management by whatever name, of managers or other officers, and their respective powers and remuneration.
5. Determination of the amount of interest not exceeding two hundred pounds in the shares of the society which any member other than a registered society may hold.

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6. Determination whether the society may contract loans or receive money on deposit, subject to the provisions of sub-section (2) of section nine of this Act, from members or others, and if so under what conditions, on what security, and to what limits of amount.

7. Determination whether the shares or any number thereof shall be transferable ; and, if it be determined that the shares or any number thereof shall be transferable, provision for the form of transfer and registration of the shares, and for the consent of the committee thereto ; and if it be determined that the shares or any of them shall be withdrawable, provision for paying the members the balance due thereon on withdrawing from the society.

8. Provision for the audit of accounts.

9. Determination whether and how members may withdraw from the society, and provision for the claims of executors, administrators, or trustees of the property of insolvent members or the Official Assignee, and for the payment of nominees in the case herein mentioned.

10. Mode of application of profits.

11. Provisions for the custody, use, and device of the seal of the society, which shall in all cases bear the registered name of the society.

12. Determination whether, and by what authority, and in what manner, any part of the capital may be invested.

SCHEDULE III.

FORM OF STATEMENT TO BE MADE OUT BY A SOCIETY
CARRYING ON THE BUSINESS OF BANKING.

1. Capital of the society.

- (a) Amount of each share.
- (b) Number of shares issued.
- (c) Amount paid on shares.

2. Liabilities of the society on the first day of January (or July) last previous ;

- (a) on judgments ;
- (b) on specialty ;
- (c) on notes or bills ;
- (d) on simple contract ;
- (e) on estimated liabilities.

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3. Assets of the society on the same date ;
- (a) government securities (stating them) ;
 - (b) bills of exchange and promissory notes ;
 - (c) cash at the bankers
 - (d) other securities.

FORM OF BOND.

BARBADOS.

Know all men by these presents that we A.B., of the parish of _____ in this Island one of the officers of the _____ Society. Limited, established at _____ in the parish of _____ and C.D., of the parish of _____ as surety on behalf of the said A.B., are jointly and severally held and firmly bound to the said society, in the sum of _____ pounds to be paid to the said society, or their certain attorney, for which payment well and truly to be made, we jointly and severally bind ourselves and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals. Dated the _____ day of _____ in the year _____

Whereas the above-bounden A.B., has been duly appointed to the office of _____ of the _____ Society, Limited, established as aforesaid, and he, together with the above-bounden C.D., as his surety, has entered into the above-written bond, subject to the condition hereinafter contained. Now therefore the condition of the above-written bond is such, that if the said A.B. do render a just and true account of all moneys received and paid by him on account of the said society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody to such person or persons as the said society or the committee thereof appoint, according to the rules of the said society, together with the proper and legal receipts or vouchers for such payments then the above-written bond shall be void, otherwise shall remain in full force.

Sealed and delivered in the presence of [*two witnesses.*]

1888—1.

Industrial and Provident Societies Act.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE
OR FURTHER CHARGE.

The Society, Limited, hereby acknowledge to
have received all moneys intended to be secured by the with-
in [or above] written deed.

Signed [*Two members of committee.*]

Countersigned [*Signature of secretary,*

Secretary.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The Society, Limited, is registered under
the Industrial and Provident Societies Act 1888, this
day of in the year

[*Signature of the Registrar*]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the
Society, Limited, is registered under the Industrial and
Provident Societies Act 1888, this day of
in the year

[*Signature of the Registrar*]

1888—2.

*An Act to authorize the Governor-in-Executive Committee to
take Lands required for Undertakings of a Public Nature.*

[25 April 1888.]

BE it enacted by the Governor, Council, and Assembly
of this Island, and by the authority of the same, as
follows :—

Short title.

1. This Act may be cited as the Compulsory Pow-
ers (Land) Act, 1888.

Compulsory Powers (Land) Act.

2. In this Act the word

Definitions.

“lands” shall extend to and mean messuages, lands, tenements and hereditaments of any tenure whatsoever;

“owner,” where under this Act any notice shall be required to be given to the owner of any lands or where any act shall be authorized or required to be done with the consent of any such owner, shall be understood to mean any person or corporation who under this Act would be enabled to sell and convey lands to the Government ;

“Government ” shall mean Governor-in-Executive Committee.

3. (1.) The Governor-in-Executive Committee is hereby authorized to direct any person to survey, take levels of, or make excavations or borings in any land which it is desired to take under this Act, in order that it may be ascertained if the land is suitable for the purpose for which it is desired ; provided always that if after such survey, or after taking such levels or making such excavations or borings, it shall be found that such land is not suitable, there shall be no obligation on the Governor-in-Executive Committee to acquire such lands, but the Governor-in-Executive Committee shall make compensation out of the Public Treasury and he is hereby authorized and required to make such compensation to the owner of such lands for any damage done in the execution of the powers hereby conferred ; and if the amount of such compensation cannot be fixed by agreement, it shall be determined by the Police Magistrate of the district.

Power to direct surveys &c., of land before determining to take the same.

(2.) The person aforesaid may, after having given in writing three days' notice of his intention so to do, enter together with his servants or assistants on any such lands, and survey, take levels of, excavate, or bore such lands.

(3.) Any person who shall obstruct such surveyor in the execution of the powers conferred by this Act may be apprehended without warrant and taken before a Police Magistrate and upon summary conviction shall be liable to a penalty not exceeding twenty pounds.

4. It shall be lawful for the Governor-in-Executive Committee to contract and agree with the owners of any lands which may be required by the Government of this Island for any public purpose, and with all parties having any estates or interests in such lands or by this Act enabled

Power to purchase lands by agreement.

Compulsory Powers (Land) Act.

to sell and convey the same, for the absolute purchase for a consideration in money of any such lands and hereditaments or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

Parties under disability enabled to sell and convey.

5. It shall be lawful for all parties being seized, possessed of, or entitled to any such lands or any estates or interests therein, to sell and convey or release the same to the Governor-in-Executive Committee, and to enter into all necessary arrangements for that purpose; and particularly it shall be lawful for all or any of the following parties so seized, possessed or entitled as aforesaid, so to sell, convey, or release; that is to say, all corporations, tenants in tail or for life, married women seized in their own right or entitled to dower, guardians, committees of lunatics or idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower, or to any lease for life, or for lives and years, or for years or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeazance of the estates of such parties, and as to such married women whether they be of full age or not as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors and administrators on behalf of their cestuis que trust, whether infants, issue unborn, lunatics, femmes covert, or other persons, and that to the same extent as such cestuis que trust respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability. The power hereinafter mentioned to release lands from any rent charge or incumbrance and to agree for the apportionment of any such rent charge or incumbrance shall extend to and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the Government.

and to exercise other powers.

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6. The purchase money or compensation to be paid for any lands to be purchased or taken from any parties under any disability or incapacity, and not having power to sell or convey such lands except under the provisions of this Act, and the compensation to be made for any damage or injury to any lands belonging to such party occasioned by the exercise of any of the powers hereby conferred on the Governor-in-Executive Committee, and the amount of compensation to be made for any loss or damage sustained by such party through the Government taking such lands shall not, except where the same shall have been determined by the verdict of a jury or by arbitration, be less than shall be determined by the valuation of five substantial and disinterested freeholders of the parish in which such lands lie or such damage is sustained or a majority of them to be nominated by the Police Magistrate of such parish ; and such freeholders shall annex to the valuation a declaration in writing subscribed by them of the correctness thereof ; and all such purchase money or compensation shall be deposited in the hands of the Treasurer of the Island for the benefit of the parties interested in manner hereinafter mentioned.

7. Before such freeholders shall enter upon the duty of making such valuation as aforesaid they shall, in the presence of the Police Magistrate by whom they are nominated, take and subscribe the following oath, that is to say ;

I, A.B., do solemnly swear that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation referred to me.

A.B.

Taken and subscribed in the presence of

C.D.

Police Magistrate.

And if any such freeholder shall corruptly make such oath, or having made the same shall wilfully act contrary thereto, he shall be guilty of a misdemeanour.

8. The said nomination and declaration shall be annexed to the valuation to be made by such freeholders, and shall be preserved together therewith by the Governor-in-Executive Committee, and they shall at all times produce the said valuation and other documents on demand to the owner of the lands comprised in such valuation, and to all other parties interested therein.

Valuation &c.,
to be produced
to the owner of
the lands on de-
mand.

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Expenses to be borne by Government.

9. All the expenses of and incident to every such valuation, shall be borne by the Government of this Island.

Amount of compensation in the case of absent parties also to be determined by valuation as hereinbefore provided.

10. The purchase money or compensation to be paid for any lands to be purchased or taken by the Government from any party who by reason of absence from the Island is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury as hereafter provided for, after due notice thereof, and the compensation to be paid for any permanent injury to such lands, shall be such as shall be determined by the valuation of five freeholders appointed in accordance with the provisions of section six of this Act, and sections seven, eight, and nine of this Act shall apply to such cases as well as to the cases mentioned in section six. In estimating the purchase money or compensation to be paid by the Government in any of the cases aforesaid, such freeholders as aforesaid shall make their valuation in accordance with section fifty three of this Act.

Where compensation has been determined by valuation as aforesaid any party interested may apply for a re-appraisal of the land or a re-adjustment of the amount of compensation.

11. When the amount of compensation payable in respect of any lands, or any interest therein, shall in the cases mentioned in the last preceding section have been ascertained by the valuation of such freeholders as last aforesaid, and deposited in the hands of the Colonial Treasurer under the provisions hereinafter contained, if any party interested therein shall be dissatisfied with such valuation, it shall be lawful for him to apply to the Court of Common Pleas for a re-appraisal of such lands or re-adjustment of the amount of compensation to be made in respect of such lands, in the same manner as is usual in cases of parties being dissatisfied with appraisements made under writs of appraisal issuing out of the said Court of Common Pleas in actions instituted therein, giving six days' notice in writing of such intended application to the other party; and the said Court of Common Pleas is hereby authorized to hear and determine every such application and to award a re-appraisal of the lands or re-adjustment of the amount of compensation, as the case may be, if it shall think fit so to do. If a re-appraisal be awarded, and if the amount of compensation determined on such re-appraisal exceed the amount thereof as originally determined, then the costs of and attending any such application and re-appraisal shall be paid by the Government.

Where vendor is absolutely entitled, lands may

12. It shall be lawful for any person seized in fee of or entitled to dispose of absolutely for his own benefit any lands authorized to be purchased for the purposes of this Act

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to sell and convey such lands or any part thereof, or the use thereof, unto the Governor-in-Executive Committee, in consideration of an annual rent-charge payable by him ; but except as hereinbefore provided, the consideration to be paid for the purchase of any such land, or for any damage done thereto, shall be in a gross sum.

13. The yearly rents reserved by any such conveyance shall be charged on the revenue of the Island, or shall be otherwise secured in such manner as shall be agreed between the parties, and shall be paid by the Governor-in-Executive Committee as such rents become payable ; and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom such rent shall be payable may recover the same from the Government with costs of suit by action of debt in the Court of Common Pleas of this Island.

14. With respect to the purchase and taking of lands otherwise than by agreement—
When the Government of this Island shall require to purchase or take any lands which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall after diligent inquiry be known to the Government, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof ; and every such notice shall state the particulars of the land so required, and that the Government are willing to treat for the purchase of the said lands, and as to the amount of compensation to be made to all parties for the loss or damage that may be sustained by them by reason of such lands being so taken or by reason of the execution of any works thereon.

15. All notices required to be served by the Government upon the parties interested in or entitled to sell any such lands shall either be served personally on such parties, or left at their last usual place of abode if any such can after diligent inquiry be found ; and, in case any such parties shall be absent from the Island or cannot be found after diligent inquiry, shall be left with the agent of such parties or the occupier or manager of such lands, or, if there be no such agent, occupier or manager, shall be affixed upon some conspicuous part of such lands.

16. If any such party be a corporation aggregate, such notice shall be left at the principal office of business of such corporation, or if no such office can after diligent inquiry

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be found, shall be served on some principal member of any such corporation, and such notice shall also be left with the occupier or manager of such lands, and, if there be no such occupier or manager, shall be fixed upon some conspicuous part of such lands.

If parties fail to treat or, in case of dispute, question to be settled as herein-after mentioned.

17. If for twenty one days after the service of such notice, any such party shall fail to state the particulars of his claim in respect of any such land, or to treat with the Government in respect thereof, or if such party and the Government shall not agree as to the amount of the compensation to be made by the Government for the interest in such lands belonging to such party, or which he is by this Act enabled to sell, or for any damage or loss that may be sustained by him by reason of the Government's taking any such lands, the amount of such compensation shall be settled in the manner hereinafter provided for settling cases of disputed compensation.

Disputes as to compensation where the amount claimed does not exceed £20 to be settled by Police Magistrate.

18. If no agreement be come to between the Government and the owners of or parties by this Act enabled to sell and convey or release any lands taken or required by the Government, or any interest in such lands, as to the value of such lands or of any interest therein, or as to the compensation to be made in respect thereof, or as to the amount of compensation to be made for loss or damage sustained through the Government's taking such lands, and if in any such case the compensation claimed shall not exceed twenty pounds the same shall be settled by the Police Magistrate of the parish in which such lands lie.

Where the amount claimed exceeds £20 to be settled by arbitrators or a jury at the option of the party claiming compensation.

19. If the compensation claimed or offered in any such case shall exceed twenty pounds, and if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the Government, before they have issued their warrant to the Provost Marshal to summon a jury in respect of such lands under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be settled accordingly; but, unless the party claiming compensation shall as aforesaid signify his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration, the arbitrators or their umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury, as hereinafter provided.

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20. It shall be lawful for any Police Magistrate upon the application of either party, with respect to any question of disputed compensation by this Act authorized to be settled by him, to summon the other party to appear before him at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for him to hear and determine such question and for that purpose to examine such parties or any of them and their witnesses upon oath, and the costs of every such inquiry shall be in his discretion, and he shall settle the amount thereof.

Method of proceeding for settling dispute as to compensation by a Police Magistrate.

21. It shall be lawful for the Chief Justice of the said Court of Common Pleas upon the application of either party when any question of title to any lands, in respect of which compensation is by this Act authorized to be made, shall arise, to summon the other party to appear before the said Court at a time and place to be named in the summons; and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for the said Court to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses upon oath, and the cost of such inquiry shall be in the discretion of such court, and the amount thereof shall be taxed and allowed by the Chief Justice of the said Court.

Question of title to be settled summarily by the Chief Justice.

22. When any question in dispute by this Act authorized and required to be settled by arbitration shall have arisen, then unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to whom such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the Government under the hands of the Governor-in-Executive Committee, or of their secretary or clerk, and on the part of any other party under the hands of such party, or if such party be a corporation aggregate under the common seal of such corporation or of their duly constituted attorney; and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen and after a request in writing (in

Appointment of arbitrator when questions are to be determined by arbitration.

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which shall be stated the matter so required to be referred to arbitration) shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making such request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matter which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Vacancy among arbitrators to be supplied.

23. If before the matter so referred shall be determined any arbitrator, appointed by either party, die or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place ; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed *ex parte* ; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of his death or disability as aforesaid.

Appointment of umpire.

24. Where more than one arbitrator shall have been appointed, such arbitrators shall before they enter upon the matters referred to them nominate and appoint, by writing under their hands, an umpire to decide any such matters on which they differ, or which shall be referred to him under the provisions of this Act ; and if such umpire shall die or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

In case of death of single arbitrator matter to begin *de novo*.

25. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such arbitrator had not been appointed.

If either arbitrator refuse to act, the other to proceed *ex parte*.

26. If where more than one arbitrator shall have been appointed either of the arbitrators refuse or for seven days neglect to act, the other arbitrator may proceed *ex parte*, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

If arbitrators fail to make

27. If where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect

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to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, if any, as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid. their award within 21 days the matter to go to the umpire.

28. The said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose. Power of arbitrator or umpire to call for books &c.

29. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him, he shall, in the presence of the Police Magistrate of the parish in which the lands lie, take and subscribe the following oath, that is to say; Arbitrator and umpire to take an oath.

I, A.B., do solemnly swear that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of an Act to authorize the Governor-in-Executive Committee to take lands required for undertakings of a public nature.

A.B.

Taken and subscribed in the presence of

C.D.,

Police Magistrate.

And such affidavit shall be annexed to the award when made; and if any arbitrator or umpire, having made such oath, shall wilfully act contrary thereto, he shall be guilty of a misdemeanour.

30. All the costs of any such arbitration and incident thereto, to be settled by the arbitrators, shall be borne by the Government unless the arbitrators shall award the same or a less sum than shall have been offered by the Government, in which case each party shall bear his own costs incidental to the arbitration; and the costs of the arbitrators shall be borne by the parties in equal proportions. Costs of arbitration how to be borne.

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Award to be delivered to the Government.

31. The arbitrators shall deliver their award in writing to the Government, and the Government shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party to the arbitration, and shall at all times on demand produce the said award, and allow the same to be inspected or examined by such party, or any person appointed by him for that purpose.

Submission may be made a rule of court.

32. The submission to any such arbitration may be made a rule of the Court of Common Pleas in this Island, on the application of either of the parties.

Award not void for error in form.

33. No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Government to give notice before summoning a jury.

34. Before the Government shall issue their warrant for summoning a jury for settling any case of disputed compensation they shall give not less than ten days' notice to the other party of their intention to cause such jury to be summoned, and in such notice the Government shall state what sum of money they are willing to give for the interests in the lands sought to be purchased by them from such party, or for the damage to be sustained by him by the execution of the undertaking projected by the Government, or for the loss or damage to be sustained by him through the Government's taking any lands belonging to him or in which he may be interested as the case may be. In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury, the Government shall issue their warrant to the Provost Marshal requiring him to summon a jury for that purpose, and such warrant shall be under the seal of the Island; and if such Provost Marshal shall be interested in the matter in dispute such application shall be made to the Magistrate of the parish in which the lands in question or some part thereof shall be situate.

Warrant for summoning jury to be addressed to the Provost Marshal.

Provisions applicable to Provost Marshal to apply to persons acting in his place.

35. Throughout the enactments contained in this Act relating to the reference to a jury, where the term Provost Marshal is used the provisions applicable thereto shall be held to apply to every Magistrate or other person lawfully acting in his place; and in every case in which any such warrant shall have been directed to any other person than the Provost Marshal, such Provost Marshal shall immediately on receiving notice of the delivery of the warrant deliver over on application for that purpose to the person to whom the same shall have been directed, or to any person appointed

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by him to receive the same, the jurors' book and special jurors' list belonging to this Island to the end that he should make a copy of so much thereof as he may require.

36. Upon the receipt of such warrant the Provost Summoning of Marshal shall summon a jury of eighteen disinterested persons belonging to the parish in which the lands required by the Government lie, duly qualified to act as jurymen in the Court of Common Pleas of this Island, to meet at a convenient time and place to be appointed by him for that purpose—such time not being less than fourteen days, nor more than twenty-one days, after the receipt of such warrant, and such place not being more than four miles distant from the lands in question, unless by consent of the parties interested; and he shall forthwith give notice to the Government of the time and place so appointed by him.

37. Out of the jurors appearing upon such summons, a jury of twelve persons shall be drawn by the Provost Marshal in such manner as jurors for the trial of issues joined in the Court of Common Pleas are by law required to be drawn; and if a sufficient number of jurymen do not appear in obedience to such summons, the Provost Marshal shall return other disinterested men duly qualified as aforesaid of the bystanders or others that can speedily be procured to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges against any of the jurymen, but no such party shall challenge the array.

38. The Provost Marshal shall preside on the said inquiry, and the party claiming compensation shall be deemed the plaintiff and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law; and if either party so request in writing the Provost Marshal shall summon before him any person considered necessary to be examined as a witness touching the matter in question; and on the like request the Provost Marshal shall order the jury or any six or more of them to view the place or matters in controversy, in like manner as views may be had in the trial of actions in the Court of Common Pleas.

Provost Marshal to preside and witnesses to be summoned.

39. If the Provost Marshal make default in any of the matters hereinbefore required to be done by him in relation to any such trial or inquiry, he shall forfeit fifty pounds sterling for every such offence, and such penalty shall be recoverable by the Government by an action in the Court of Common Pleas; and if any person summoned and return-

Penalty on Provost Marshal and jurymen for default.

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ed upon any jury under this Act do not appear, or if appearing he refuse to make oath or in any other manner unlawfully neglect his duty, he shall, unless he show reasonable excuse to the satisfaction of the Provost Marshal, forfeit a sum not exceeding five pounds, which may be recovered in a summary manner before a Police Magistrate on the complaint of any person; and every such penalty payable by the Provost Marshal or a juryman shall be applied in satisfaction of the costs of the inquiry, so far as the same will extend.

Penalty on witnesses making default.

40. If any person duly summoned to give evidence upon any such inquiry, to whom a tender of his reasonable expenses shall have been made, fail to appear at the time and place appointed in the summons without sufficient cause, or if any person whether summoned or not, who shall appear as a witness, refuse to be examined on oath or affirmation, where affirmation is allowed, touching the subject matter in question, every person so offending shall forfeit to the party aggrieved a sum not exceeding ten pounds.

Notice of inquiry.

41. Not less than ten days' notice of the time and place of the inquiry shall be given in writing by the Government to the other party.

If the party make default the inquiry not proceed.

42. If the party claiming compensation shall not appear at the time appointed for the inquiry, such inquiry shall not be further proceeded in, but the compensation to be paid shall be such as shall be ascertained by freeholders appointed in manner hereinbefore provided.

Jury to be sworn.

43. Before the jury proceed to inquire into and assess the compensation or damage in respect of which their verdict is to be given, they shall make oath that they will truly and faithfully inquire of and assess such compensation or damage, and the Provost Marshal shall administer such oath, as well as the oaths to all persons called upon to give evidence.

Sums to be paid for purchase of lands and for damage to be assessed separately.

44. When such inquiry shall relate to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands required by the Government or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of the lands by reason of

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the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this Act.

45. The Provost Marshal before whom such inquiry shall be held shall give judgment for the purchase money or compensation assessed by such jury, and the verdict and judgment shall be signed by the Provost Marshal, and being so signed shall be kept by the Registrar of the Island among the public records of the Island, and such verdicts and judgments shall be deemed records, and the same or true copies thereof shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may have copies thereof or extracts therefrom, on paying for each inspection thereof one shilling and for every ninety words copied and extracted therefrom sixpence, which copies or extracts the Registrar is hereby required to make out and to sign, and to certify the same to be true copies. Verdict and judgment to be recorded

46. On every such inquiry before a jury where the verdict of the jury shall be given for a greater sum than the sum previously offered by the Government all costs of such inquiry shall be borne by the Government, but if the verdict of the jury be given for the same or a less sum than the sum previously offered by the Government, or if the owner of the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, one half of the costs of summoning, empanelling, and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon—in case such verdict shall be taken—shall be defrayed by the owner of the lands, and the other half by the Government, and each party shall bear his own costs other than as aforesaid incident to this inquiry. Costs of the inquiry how to be borne.

47. The costs of any such inquiry shall in case of difference be settled by the Chief Justice of the Court of Common Pleas of this Island on the application of either party, and such costs shall include all reasonable costs, charges, and expenses incurred in summoning, empanelling, and returning the jury taking the inquiry, the attendance of witnesses, the employment of counsel and attorneys, recording the verdict and judgment thereon, and otherwise incident to such inquiry. Costs how to be settled.

48. If any such costs shall be payable by the Government, the same shall within fourteen days after demand be paid out of the Public Treasury on the warrant of the Governor-in-Executive Committee; and if any such costs shall Payment of costs.

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be payable by the owner of the lands or of any interest therein, the same may be deducted and retained by the Government out of any money awarded by the jury to such owner, or determined by the valuation of freeholders under the provision hereinafter contained, and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined, the excess shall be recoverable by writ of execution in the usual form to be issued by the Chief Justice, who is hereby empowered to issue the same.

Special jury to be summoned at the request of either party.

49. If either party desire any such question of disputed compensation as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, be given to the Government before they have issued their warrant to the Provost Marshal, and for that purpose the Government shall by their warrant to the Provost Marshal require him to nominate a special jury for such trial; and thereupon the Provost Marshal shall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him, by themselves or their attorneys, at some convenient time and place appointed by him for the purpose of nominating a special jury (not being less than five nor more than eight days from the service of such summons); and at the time and place so appointed the Provost Marshal shall proceed to nominate and strike a special jury in the manner in which such juries shall be required by the laws for the time being in force to be nominated or struck by the proper officers of the Court of Common Pleas; and the Provost Marshal shall appoint a day not later than the eighth day after striking of such jury for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days' notice to the parties, and on the day so appointed the Provost Marshal shall proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officer of the Court of Common Pleas in this Island.

Deficiency of special jurymen.

50. The special jury on such inquiry shall consist of twelve of the said twenty who shall first appear on the names being called over, the parties having their lawful challenges against any of the said jurymen, and if a full jury do not appear, or if after such challenges a full jury do not remain, then upon application of either party the Provost Marshal shall add to the list of such jury the names of any

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other disinterested persons qualified to act as special or common jurymen who shall not have been previously struck off the aforesaid list, and who may be then attending the inquiry, or can speedily be procured, so as to complete such jury; all parties having their lawful challenge against such persons; and the Provost Marshal shall proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable, as hereinbefore provided in the case of a trial by common jury.

51. Any other inquiry than that for the trial of which such special jury shall have been struck and reduced as aforesaid may be tried by such jury, provided the parties thereto respectively shall give their consent to such trial.

Other inquiries before same special jury by consent.

52. When the Government or the party or parties entitled to compensation shall feel aggrieved by the verdict of any jury it shall be lawful for such aggrieved party to apply by petition to the Chief Justice of the Court of Common Pleas to set aside such verdict, and if it shall appear to the Chief Justice that the justice of the case requires that such verdict shall be set aside, it shall be lawful for the said Chief Justice to order the same to be set aside accordingly, and to issue a warrant under his hand and the seal of the said court, directed to the said Provost Marshal, requiring him to summon a fresh jury for that purpose, and such Chief Justice shall have cognizance of the said case in as full and ample a manner to all intents and purposes as if the same were a cause pending in the said Court of Common Pleas.

Setting aside of verdict.

53. (1.) In estimating the purchase money or compensation to be paid by the Government regard shall be had, not only to the value of the lands to be purchased or taken by the Government, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of the powers of this Act.

Purchase money and compensation how to be estimated.

(2.) In all cases in which the amount of any purchase money or compensation payable in respect of any lands is to be settled and determined by arbitration or the verdict of a jury, the estimate of the value of the premises shall be based on the fair market value thereof at the time of the valuation being made of such lands and of the several interests therein, due regard being had to the nature and

Limit on sum given for purchase being compulsory.

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the condition thereof and all circumstances affecting such value, but in case the arbitrator or the jury shall give compensation in respect of the purchase being compulsory, such compensation shall not exceed fifteen per cent. on the market value of such lands; provided always that this sub-section shall not apply to any compensation given for any damage or loss sustained by reason of the taking of any such land, or by reason of severance.

Compensation to owners of chattel houses.

(3.) In all cases in which there is a wooden house standing on but not affixed to the freehold of any land purchased and not being the property of the owner of such land, the owner of such house shall be entitled to receive from the Government by way of compensation a sum not exceeding two pounds to defray the expense of removing such house to any other site, and of repairing any damage caused to such house by its being so removed.

Settlement of compensation to be by arbitration or verdict of jury at the option of the party claiming compensation.

54. If any party shall be entitled to any compensation in respect of any lands or of any interests therein which shall have been taken or injuriously affected by the execution of the works for which the same were taken and for which the Government shall not have made satisfaction under the provisions of this Act, and if the compensation claimed in such case shall exceed the sum of twenty pounds, such party may have the same settled either by arbitration or by the verdict of a jury as he shall think fit; and if such party desire to have the value settled by arbitration, it shall be lawful for him to give a notice in writing to the Government of such his desire, stating in such notice the nature of the interests in such lands in respect of which he claims compensation, and the amount of the compensation so claimed therein, or the particulars of the loss or damage sustained by him by reason of such lands being taken by the Government, and the amount of compensation claimed by him in respect thereof, and unless the Government be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose within twenty one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided, or if the party so entitled as aforesaid desire to have such question of compensation settled by jury, it shall be lawful for him to give notice in writing of such his desire to the Government stating such particulars as aforesaid; and unless the Government be willing to pay the amount of compensation so claimed and enter into a written agreement for that purpose, they shall within twenty one days after the receipt of such notice

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issue their warrant to the Provost Marshal to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation claimed, and the same may be recovered by him with costs from the Colonial Treasurer by action in the Court of Common Pleas.

55. If the owner of any lands purchased or taken by the Government or of any interest therein on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof shall refuse to accept the same, or shall refuse, neglect, or be unable to make a title to, or to convey the said lands, estate, or interest to the satisfaction of the Government within three months from the period of the value of the lands being assessed as aforesaid, or if any such owner shall not be known, or shall be absent from this Island, or shall fail to appear on the inquiry before the jury, as herein provided for, or if the purchase money or compensation, which shall be payable in respect of any lands or any interest therein purchased or taken by the Government from any person having a partial or qualified interest only in such lands and not entitled to sell or convey the same except under the provisions of this Act, exceeds twenty pounds, then and in every such case it shall be lawful for the Government to pay to the Treasurer of this Island the purchase money or compensation which shall be payable to or for the benefit of any such party respectively as aforesaid; and such Treasurer shall carry every such sum to the credit of the party or parties, if known, who shall be interested in the said lands, estate, or interests, but if any such party or parties shall not be known, then to the credit of the Government in a particular account, and such sum shall remain subject in all such cases to the order, control, and disposition of the Court of Common Pleas of this Island, which said Court, on the application of any party making claim to such money or to any part thereof by motion or petition, is hereby empowered in a summary way of proceeding or otherwise as to the said Court shall seem meet, to direct the investment thereof, or to order the distribution or payment thereof or of any interest thereon according to the estate, title, or interests, or claim of the party therein as hereinafter mentioned, and to make such other order in the premises as to the said Court shall seem proper, and such sums respectively shall until an investment thereof is directed carry interest at the rate of three pounds per centum per annum, to be paid by the Government to the respective parties entitled to them respectively: provided

Payment of purchase money or compensation into the Public Treasury.

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always, that the said Treasurer shall deposit all such moneys in the Colonial Bank at interest in the same manner as he is required by law to deposit public moneys.

Entry upon
lands after pay-
ment of the pur-
chase money or
compensation.

56. Upon payment or tender of the purchase money or compensation agreed or awarded to be paid in respect of any lands purchased or taken by the Government, or upon payment or tender or other settlement of the amount of compensation agreed or awarded to be made for loss or damage sustained through the Government taking any lands, under the provisions of this Act, or whenever any of the respective cases shall happen wherein such money is herein authorized or directed to be retained in the hands of the Treasurer, as herein authorized or directed, it shall be lawful for the Government immediately to enter upon such lands, and in all cases whatsoever in which the Government shall have a right of entry under the provisions of this Act, and delivery of possession shall be refused or withheld, it shall be lawful for any Police Magistrate to issue his precept or warrant to a police or parish constable to enter upon the lands, the possession of which shall be refused or withheld, and to take possession thereof, and to deliver the possession of the same to such person as shall in such precept or warrant be nominated to receive the same, being a person in that behalf appointed by the Government; and the police or parish constable is hereby authorized and required to take such possession and to deliver the same accordingly.

Proceedings in-
case of refusal
to deliver pos-
session of lands.

Costs in cases of
money paid into
the Public
Treasury.

57. Where the purchase money for any lands to be taken or used for the purposes of this Act or for any interest therein shall be retained in the hands of the Treasurer of this Island under or in pursuance of this Act, it shall be lawful for the said Court of Common Pleas, if it shall think fit, to order the costs, charges, and expenses of and attending any such motion, petition, or application as aforesaid, and the proceedings to be had thereon, or so much of such costs, charges, and expenses as the said Court shall deem reasonable under the circumstances of the case, together with the necessary costs and charges of obtaining such order, to be paid by the Government, who shall from time to time pay such sums of money in such manner and for such purposes as the said Court shall direct; provided always that nothing herein contained shall render the Government liable to pay any such costs as aforesaid in any case where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release any lands in respect whereof the same shall be payable, or by reason of

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the wilful neglect of any party to make out a good title to any lands required for the purposes of this Act.

58. If any sums of money so deposited, as aforesaid, in respect of the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Government from any person having a partial or qualified interest only in such lands, and not entitled to sell or convey the same except under the provisions of this Act, shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such parties, then such money shall be paid for their use to the respective husbands, guardians, committees, or trustees of such persons.

Sums deposited not exceeding £20 to be paid to the owners of the rents.

59. If any such sums of money as mentioned in the last preceding section shall exceed the sum of twenty pounds, and the right of any person to an estate for life, or to a partial or qualified interest therein shall have been ascertained, it shall be lawful for the said Court of Common Pleas, in manner aforesaid, to order payment of the interest of the sum so paid to the Treasurer of the Island, or any part thereof, to any such person having an estate for life, or any other partial or qualified interest, for his own use, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such parties, then such interest shall be paid for their use to the respective husbands, guardians, committees, or trustees of such persons.

Payment of interest on sums so deposited which exceed £20.

60. Where any purchase money or compensation paid to the Treasurer of this Island shall have been paid in respect of any lease for life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the said Court of Common Pleas in manner aforesaid to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid, or as near thereto as may be.

Court of Common Pleas may direct application of moneys so deposited in respect of leases or reversions.

61. Upon deposit in the Public Treasury, in manner hereinbefore provided, of the purchase money or compensation agreed or awarded to be paid in respect of any such lands purchased or taken by the Government under the provisions of this Act, the owner of such lands, (including in

Upon deposit being made the owner of the lands to convey, or in default the lands to vest in

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the Government such term all parties by this Act enabled to sell or convey
 upon a deed poll lands,) shall, if required so to do by the Government, duly
 being executed. convey such lands to the Government or as they shall
 direct; and in default thereof, or if no such request is made
 by the Government or if such owner fail to adduce a good
 title to such lands, it shall be lawful for the Government, if
 they think fit, to execute a deed poll under the seal of this
 Island containing a description of the lands, in respect of
 which such default shall be made, and reciting the purchase
 or taking thereof by the Government and the names of the
 parties from whom the same were purchased or taken, and
 the deposit made in respect thereof, and declaring the fact of
 such default having been made; and thereupon all the estate
 and interest in such lands of, or capable of being sold and
 conveyed by, the party between whom and the Government
 such agreement shall have been come to, or between whom
 and the Government such purchase money or compensation
 shall have been determined by a jury or by arbitrators, or
 by freeholders appointed as herein provided, and shall have
 been deposited as aforesaid, shall vest absolutely in the
 Government, and as against such parties, and all parties on
 behalf of whom they are hereinbefore enabled to sell and
 convey, the Government shall be entitled to immediate pos-
 session of such lands.

Party in pos-
 session of lands to
 be deemed the
 owner.

62. If any question arise respecting the title of the
 lands in respect whereof such moneys shall have been so
 paid or deposited as aforesaid, the parties respectively
 in possession of such lands as being the owners thereof, or
 in receipt of the rents of such lands as being entitled
 thereto at the time of such lands being purchased or
 taken, shall be deemed to have been lawfully entitled to such
 lands until the contrary be shown to the satisfaction of
 the said Court of Common Pleas: and unless the contrary
 be shown as aforesaid, the parties so in possession, and all
 parties claiming under them or consistently with their pos-
 session, shall be deemed entitled to the moneys so deposited,
 and to the dividends or interest of the annuities or securities
 purchased therewith, and the same shall be paid and applied
 accordingly.

The Government
 empowered to
 purchase any in-
 terest in lands
 the purchase
 whereof may
 have been omit-
 ted by mistake.

63. If any time after the Government shall have enter-
 ed upon any lands which under the provisions of this Act
 they are authorized to purchase, and which shall be perma-
 nently required for the purposes of this Act, any party shall
 appear to be entitled to any estate, right, or interest in or
 charge affecting such lands which the Government shall,
 through mistake or inadvertence, have failed or omitted duly

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to purchase or to pay compensation for, then the Government shall remain in undisturbed possession of such lands, provided within six months after notice of such estate, right, or interest, or charge, in case the same shall not be disputed by the Government, or in case the same shall be disputed then within six months after the right thereto shall have been finally established by law in favour of the party claiming the same, the Government shall purchase or pay compensation for the same, and shall also pay to such party, or to any other party who may establish a right thereto, full compensation for the mesne profits or interests which would have accrued to such parties respectively in respect thereof during the interval between the entry of the Government thereon and the time of the payment of such purchase money or compensation by the Government, so far as such mesne profits or interests may be recoverable in law or equity, and such purchase money or compensation shall be agreed on or awarded and paid in like manner as, according to the provisions of this Act, the same respectively would have been agreed on or awarded and paid in case the Government had purchased such estate, right, interest or charge, before their entering upon such land, or as near thereto as circumstances will admit.

64. In estimating the compensation to be given for such last-mentioned lands, or any estate or interest in the same, or for any mesne profits thereof, the value of such lands, estate or interest, and profits shall be determined according to what such value was at the time such lands were entered upon by the Government, and without regard to any improvements or works made in the said lands by the Government, and as though the works had not been constructed.

How value of such lands to be estimated.

65. The conveyance of lands which may be purchased by the Government under the provisions of this Act may be according to the following form, that is to say ;

Form of conveyance.

I, A. B., of _____ in consideration of the sum of _____ paid to me by the Government of this Island do hereby grant to the Executive Committee of this Island and their successors and assigns all that _____ together with all ways, rights, and appurtenances thereunto belonging, and all such estate, right, title, and interest in and to the same and every part thereof as I am or shall become seized or possessed of, or I am, by the Act of this Island authorizing the Governor-in-Executive Committee to take lands required for undertakings of a public nature,

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capacitated or empowered to convey, to hold the premises to the said Executive Committee their successors and assigns for ever, according to the true intent and meaning of the said Act. In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and A. B.

And all conveyances made according to such form, or as near thereto as the circumstances of the case will admit, shall be valid and effectual to all intents and purposes, and shall operate to merge all terms of years attendant, by express, declaration or by construction of law, on the estate or interests thereby conveyed or aliened, and to bar and destroy all such estates tail, and all titles to dower, and all other estates, rights, titles, remainders, reversions, limitations, trusts, and interests whatsoever, of and in the lands comprised in such conveyance. The cost of all such conveyances and of all reasonable expenses incident to the investigation, deduction, and verification of the title to the lands or interest sold shall be borne by the Government.

Costs of conveyances.

Power to redeem mortgages.

66. It shall be lawful for the Government to purchase or redeem the interest of the mortgagee of any lands which may be required for the purposes of this Act, and that whether they shall have previously purchased the equity of redemption of such lands or not, and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands by virtue of such mortgage or not, and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act; and in order thereto the Government may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Government, or as they shall direct, or the Government may give notice in writing to such mortgagee that they will pay off the principal and interest due on such mortgage at the end of six months computed from the day of giving such notice. And if they shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months' notice of his intention to redeem the same, then at the expiration of either of such notices or any intermediate period, upon payment or tender by the Government to the mortgagee of the principal money due on such mortgage and the interest

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which would become due at the end of six months from the time of giving either of such notices together with his costs and expenses, if any, such mortgagee shall convey or release his interests in the lands comprised in such mortgage to the Government or as they shall direct.

67. If in either of the cases aforesaid upon such payment or tender any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Government, or if he fails to adduce a good title thereto to their satisfaction, then it shall be lawful for the Government to deposit with the Treasurer of this Island for the time being in the manner provided by this Act in like cases the principal and interest, together with the costs, if any, due on such mortgage, and also, if such payment be made before the expiration of six months' notice as aforesaid such further interest as would at that time become due, and it shall be lawful for them if they think fit to execute a deed poll as in the manner hereinbefore provided in the case of lands purchased by them, and thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interests of such mortgagee, and of all persons in trust for him or for whom he may be a trustee in such lands, shall vest in the Government and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession.

Deposit of mortgage money in the Public Treasury in certain cases.

68. If any such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands, or the compensation to be made by the Government in respect thereof, shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Government on the other part, and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the Government to the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and upon payment or tender thereof the mortgagee shall convey or release all his interests in such mortgaged lands to the Government, or as they shall direct.

Sums to be paid when mortgage exceeds the value of the lands.

69. If upon such payment or tender as aforesaid being made any such mortgagee fail so to convey his interests in such mortgage, or to adduce a good title thereto, to the satisfaction of the Government, it shall be lawful for them to deposit the amount of such value or compensation with the

Deposit of mortgage money in such cases in the Public Treasury under certain circumstances.

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Treasurer of this Island, for the time being, in the manner provided by this Act in like cases ; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend and shall be a full discharge of such mortgaged lands from all money due thereon, and it shall be lawful for them if they think fit to execute a deed poll as in the manner hereinbefore provided in the case of lands purchased by them, and thereupon such lands, as to all such estate and interests as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Government, and they shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession ; nevertheless all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation other than the right to such lands, shall remain in force in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposits.

Sum to be paid
when part only
of mortgaged
lands is taken.

70. If a part only of such mortgaged lands be required by the Government and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation, if any, to be paid in respect of the severance thereof, or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such lands on the one part, and the Government on the other part ; and if the parties aforesaid fail to agree respecting the amount of such value or compensation the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation being so agreed upon or determined shall be paid by the Government to such mortgagee in satisfaction of his mortgage debt, as far as the same will extend ; and thereupon such mortgagee shall convey or release to them, or as they shall direct, all his interests in such mortgaged lands the value whereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Government, at their expense, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of mort.

71. If upon payment or tender to any such mortgagee

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of the amount of the value or compensation so agreed upon or determined such mortgagee shall fail to convey or release to the Government, or as they shall direct, his interest in the lands in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Government, it shall be lawful for the Government to deposit with the Treasurer of this Island for the time being the amount of such value or compensation in the manner provided by this Act in the case of other moneys required to be so deposited, and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of mortgaged lands so required from all money due thereon, and it shall be lawful for the Government if they think fit to execute a deed poll as in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon such lands shall become absolutely vested in the Government, as to all such estate and interests as were then vested in the mortgagee, or any person in trust for him, and in case such mortgagee were himself entitled to such possession they shall be entitled to immediate possession thereof; nevertheless every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money, or the residue thereof (as the case may be), and the interest thereof respectively, upon and out of the residue of such mortgaged lands, or the portion thereof not required by the Government, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such mortgage.

72. If any difference shall arise between the Government and the party entitled to any rent-service, rent-charge, or chief or other rent, or other payment or incumbrance not hereinbefore provided for, upon any lands required to be taken under this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required, the same shall be determined as in other cases of disputed compensation.

73. If part only of the lands charged with any such rent-service, rent-charge, chief, or other rent, payment or incumbrance, be required to be taken under this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part, and the Government on the other part; and if such apportionment be not so settled

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by agreement, the same shall be settled by arbitrators or a jury as hereinbefore mentioned; but if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with the consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in the Public Treasury in case of refusal to release.

74. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Government a release of such charge, and if he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Government, it shall be lawful for them to deposit the amount of such compensation with the Treasurer of this Island for the time being, in the manner hereinbefore provided in like cases, and also if they think fit to execute a deed poll as in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon such rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

75. If any such lands be so released from any such charge or incumbrance, or portion thereof, to which they were subject jointly with other lands, such last-mentioned lands shall alone be charged with the whole of such charge, or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such last-mentioned lands for the whole or the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge; and if upon any such charge or portion of charge being so released, the deed or instrument creating or transferring such charge be tendered to the Government for the purpose, they shall affix the seal of the Island to a memorandum of such release endorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have all been released, and how much thereof continues payable, or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith, and such memorandum shall be made and executed at the expense of the Government, and shall be

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evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

76. The Government shall not, except by consent of the owners and occupiers, enter upon any lands which shall be required to be purchased or permanently used for public purposes, and under the power of this Act, until they shall either have paid to every party having any interest in such lands or deposited in the hands of the Treasurer of this Island, in the manner herein mentioned, the purchase money or compensation agreed or awarded to be paid to such parties respectively for their respective interest therein; provided always that for the purpose merely of surveying and taking levels of such lands it shall be lawful for the Government, after giving not less than three nor more than fourteen days' notice to the owners or occupiers thereof, to enter upon such lands without previous consent, making compensation for any damage thereby occasioned to the owners or occupiers thereof.

Payment of price to be made previous to entry on lands except entry to survey &c.

77. If the Government shall be desirous of entering upon and using any such lands before an agreement shall have been come to or any award made or verdict given for the purchase money or compensation to be paid by them in respect of such lands, it shall be lawful for the Government to give to the party interested in or entitled to sell and convey such lands, and who shall not consent to such entry, a bond under the seal of the Island conditioned for payment to such party or for deposit with the said Treasurer for the benefit of the parties interested in such lands as the case may require, under the provisions herein contained, of all such purchase money or compensation as may in manner hereinbefore provided be determined to be payable by the Government in respect of the lands so entered upon, together with interest thereon at the rate of six per cent. per annum, where such lands are not mortgaged, or in case such lands are mortgaged at such rate as the mortgagor may be paying on the mortgage, from the time of entering on such lands until such purchase money or compensation shall be paid to such party or deposited with the Treasurer of the Island as aforesaid for the benefit of the parties interested in such lands under the provisions herein contained; and upon such bond being delivered or tendered to such non-consenting party as aforesaid, it shall be lawful for the Government to enter upon and use such lands without having first paid or deposited the purchase money or compensation in other cases required to be paid or deposited by them before entering

Government. may enter on lands before purchase on giving bond.

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upon any lands to be taken by them under the provisions of this Act.

Penalty on the Government entering upon lands without consent and before payment of the purchase money.

78. If the Government shall, except as aforesaid, wilfully enter upon and take possession of any land which shall be required to be purchased or permanently used for any public purpose under this Act without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands as aforesaid, the Government shall pay to the party in possession of such lands the sum of ten pounds over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid and if the Government shall continue in unlawful possession of such lands after being requested by notice in writing by the party in possession thereof to quit the same, they shall be liable to forfeit the sum of twenty-five pounds for every day they shall remain in possession as aforesaid, such penalties to be respectively recoverable from the Colonial Treasurer by the party in possession of such lands, with costs, by action in the Court of Common Pleas in this Island; provided always, that nothing herein contained shall be held to subject the Government to the payment of any of such penalties as aforesaid, if they shall bona fide and without collusion have paid the compensation agreed or awarded to be paid in respect of the said lands to any person whom the Government may have reasonably believed to be entitled thereto, or shall have deposited the same with the Treasurer of this Island for the time being for the benefit of the parties interested in the lands, or given such bond by way of security in respect thereof, as hereinbefore mentioned, although such person may not have been legally entitled thereto.

Decision of the court not conclusive as to the Government's right.

79. On trial of any action for any such penalty as aforesaid, the decision of the court under the provisions hereinbefore contained shall not be held conclusive as to the right of entry on such lands by the Government.

Parties not to be required to sell part of a house.

80. No party shall at any time be required to sell or convey to the Government a part only of any house or other building or manufactory, if such party be willing and able to sell and convey the whole thereof.

Owners of intersected lands may insist part on purchase.

81. If any lands not being built upon shall be so cut through and divided by the works as to leave either on both sides or on one side thereof a less quantity of land than half a statute acre, and if the owner of such small parcel of land require the Government to purchase the same along with the other land required for public purposes under this

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Act, the Government shall purchase the same accordingly, unless the owner thereof have other land adjoining to that so left into which the same can be thrown so as to be conveniently occupied therewith, and if such owner have any other land so adjoining, the Government shall, if so required by the owner at their own expense, throw the piece of land so left into the adjoining land, by moving the fences and levelling the sites thereof, and by soiling the same in a sufficient and workmanlike manner.

82. If any lands shall be so cut through and divided as to leave on either side of the works a piece of land of less extent than half a statute acre, or of less value than the expenses of making a bridge, culvert, or such other communication between the lands so divided, as the Government are under the provisions of this Act compellable to make; and if the owner of such lands have no other lands adjoining such piece of land, and require the Government to make such communication, then the Government may require such owner to sell them such piece of land, and any dispute as to the value of such piece of land, or as to what would be the expense of making such communication, shall be ascertained as herein provided for cases of disputed compensation; and on the occasion of ascertaining the value of the land required to be taken, the jury, or the arbitrators as the case may be, shall if required by either party ascertain by their verdict or award the value of any such severed piece of land and also what would be the expense of making such communication.

Government may insist on purchase when expense of bridge &c., exceeds the value of the land severed.

83. In addition to the purchase money, compensation, or satisfaction, and before the Government shall become absolutely entitled to any estate, interest, or charge, or to have the same merged or extinguished for their benefit, they shall, when the right to any such estate, interest, or charge shall have been disputed by the Government and determined in favour of the party claiming the same, pay the full costs and expenses of any proceedings at law or in equity for the determination or recovery of the same to the party with whom any such litigation in respect thereof shall have taken place, and such costs and expenses shall, in case the same shall be disputed, be settled by the proper officer of the court in which such litigation took place.

Government to pay the costs of litigation as to right to lands taken.

84. It shall be lawful for the Government at any time absolutely to sell and dispose of all superfluous lands acquired by them which shall not be required for the purposes for which the same were so acquired.

Government may sell lands purchased under the Act but not wanted.

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Such lands to be offered first to owner of lands from which they were originally taken or to adjoining owners.

85. Before the Government dispose of any such superfluous lands, they shall, unless such lands be lands built upon or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed, or if such person refuse to purchase the same, or he or some constituted attorney of his cannot after diligent enquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of lands, and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the Government shall think fit.

Right of pre-emption to be claimed within six weeks.

86. If any such persons be desirous of purchasing such lands, then within six weeks after such offer for sale, they shall signify their desire in that behalf to the Government, or if they decline such offer or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease, and an affidavit made before the Chief Justice in the Court of Common Pleas by some person not interested in the matter in question, stating that such offer was made and was refused or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of this Island and not represented by attorneys therein, or that neither such persons nor any duly constituted attorney of theirs could after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

Differences as to price settled by arbitrators.

87. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the Government do not agree as to the price thereof, then such price shall be ascertained by arbitration as hereinbefore provided for, and the costs of such arbitration shall be in the discretion of the arbitrators. Upon payment or tender to the Government of the purchase money so agreed upon or determined as aforesaid, they shall convey such lands to the purchasers thereof by deed under the public seal of the Island; and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him, and a receipt under such seal as aforesaid shall be a

Conveyance of such lands to the purchaser.

1888—2.

Compulsory Powers (Land) Act.

sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received.

88. All notices required by this Act to be given to the Government may be given to the Colonial Secretary in writing. Service of notices upon the Government.

89. The Directors of the Barbados General Hospital, and the Vestries, Highway Boards, and Sanitary Boards of the several parishes in this Island, may in all cases in which they shall be authorized and empowered to acquire lands for purposes connected with the General Hospital, or for parochial, highway, or sanitary purposes respectively, exercise the powers and be subject to the obligations conferred and imposed by this Act on the Governor-in-Executive Committee, and may acquire such lands under the powers and subject to the obligations conferred and imposed by this Act. Certain public bodies authorized to use the machinery provided by the Act for taking lands.

1889—1.

An Act to make better provision for the Sale of Food and Drugs in a pure state.

[8 February, 1889.]

WHEREAS it is desirable to make provision for ensuring the sale of food and drugs in a pure and genuine condition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Sale of Food and Drugs Act, 1889.

2. The term "food" shall include every article used for food or drink by man, other than drugs or water (being artificial mineral water.) Interpretation section.

The term "drug" shall include medicine for internal or external use.

The word "butter" shall mean the substance usually known as butter, made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter.

The words "margarine or oleomargarine" shall mean all substances, whether compound or otherwise, prepared in

Sale of Food and Drugs Act.

imitation of butter, and whether mixed with butter or not, and no such substance shall be lawfully sold, except under the name margarine or oleomargarine, and under the conditions set forth in this Act.

Description of offences.

Prohibition of the mixing of injurious ingredients with food and of selling the same.

3. No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding fifty pounds for the first offence; every offence, after a conviction for a first offence, shall be a misdemeanour, for which the person on conviction shall be imprisoned for a period not exceeding six months, with or without hard labour.

Prohibition of the mixing of injurious ingredients with drugs and of selling the same.

4. No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offence.

Exemption in case absence of knowledge is proved.

5. No person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the court before which he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

Prohibition of the sale of articles of food and of drugs not of the nature, substance, and quality demanded.

6. No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds; provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say;

- (1.) where any matter or ingredient not injurious to health has been added to the food or drug, because the same is required for the production or

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preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;

- (2.) where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;
- (3.) where the food or drug is compounded as in this Act mentioned;
- (4.) where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

7. No person shall sell any compound article of food, or compounded drug, which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding twenty pounds.

Prohibition of the sale of food &c., not composed as demanded.

8. No person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

Exemption in case where label is given.

9. No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.

Prohibition of abstracting any ingredient of an article of food and of selling the same without notice.

10. Every person dealing in margarine oleomargarine or butterine, whether wholesale or retail, whether a manufacturer, importer, or as consignor or consignee, or as commission agent or otherwise, who is found guilty of an offence under this Act shall be liable on summary conviction, for the first offence, to a fine not exceeding ten pounds, and for the second, to a fine not exceeding twenty pounds, and for the third or any subsequent offence, to a fine not exceeding fifty pounds.

Penalty on dealer in margarine found guilty under this Act.

11. Where an employer is charged with an offence against this Act he shall be entitled, upon information

Exemption from penalty.

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duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence and the employer shall be exempt from any penalty.

Mode in which
dealers in mar-
garine are to
mark their
cases &c.

12. Every person dealing in margarine oleomargarine or butterine in the manner described in section ten shall conform to the following regulations:—

Every package, whether open or closed and containing margarine, oleomargarine, or butterine, shall be branded or marked in a legible and conspicuous manner "margarine," "oleomargarine," or "butterine"; and if such margarine oleomargarine or butterine be sold by retail, there shall be attached to each parcel from which the margarine oleomargarine or butterine so sold is taken, and in such manner as to be clearly visible to the purchaser, a label marked in a legible manner "margarine," "oleomargarine" or "butterine."

Presumption
against vendor
of margarine &c.

13. Every person dealing with, selling, or exposing or offering for sale, or having in his possession for the purpose of sale, any quantity of margarine oleomargarine or butterine contrary to the provisions of this Act, shall be liable to conviction for an offence against this Act, unless he shows to the satisfaction of the court before whom he is charged that he purchased the article in question as butter, and with a written warranty or invoice to that effect, that he had no reason to believe at the time when he sold and had no means of acquiring by reasonable diligence the knowledge that the article was other than butter, and that he sold it in the same state as when he purchased it, and in such case he shall be discharged from the prosecution but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given due notice to him that he will rely upon the above defence.

Margarine im-
ported or manu-
factured to be
duly consigned
as margarine.

14. (1.) All margarine oleomargarine or butterine imported into this Island, and all margarine oleomargarine or butterine manufactured in this Island or elsewhere shall, whenever forwarded by any public conveyance, be duly consigned as margarine oleomargarine or butterine; and it shall be lawful for any parochial medical officer, sanitary inspector, or inspector of weights and measures, or any inspector of a market, or any police officer to procure sam-

Power to obtain
samples.

Sale of Food and Drugs Act.

ples for analysis if he shall have reason to believe that the provisions of this Act are infringed in this behalf, to examine it and take samples from any package, and ascertain if necessary by submitting the same to be analysed whether an offence against this Act has been committed.

(2.) Any officer authorized to take samples may, without going through the form of purchase but otherwise acting in all respects in accordance with the provisions of this Act as to dealing with samples, take for the purpose of analysis samples of any butter, or substances purporting to be butter, which are exposed for sale and are not marked "margarine," "oleomargarine," or "butterine"; and any such substance not being so marked shall be presumed to be exposed for sale as butter.

Samples of butter &c., may be taken without going through the form of purchase.

15. Any purchaser of an article of food or of a drug shall be entitled, on payment to the Island Professor of Chemistry of a sum not exceeding two shillings and sixpence, to have such article analysed by him, and to receive from him a certificate of the result of his analysis. The fee mentioned in this section shall be paid by the Island Professor of Chemistry into the Public Treasury.

Power of purchaser of food or drugs to have them analyzed.

Duties of Island Professor of Chemistry and proceedings to obtain analysis.

16. (1.) Any parochial medical officer, sanitary inspector, or inspector of weights and measures, or any inspector of a market, or any police officer, may procure any sample of food or drugs, or any sample of milk in the course of delivery to any purchaser or consignee in pursuance of any contract for the sale to such purchaser or consignee of such milk; and if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analysed by the Island Professor of Chemistry, and the Island Professor of Chemistry shall, upon receiving payment as is provided in the last preceding section, with all convenient speed analyse the same, and give a certificate to such officer wherein he shall specify the result of the analysis.

Officers herein specified may obtain a sample of food or drug to submit to the analyst.

(2.) The seller or consignor or any person or persons entrusted by him for the time being with the charge of such milk, if he shall refuse to allow such officer, inspector, or police officer to take the quantity which such officer, inspector, or police officer shall require for the purpose of analysis, shall be liable to a penalty not exceeding ten pounds.

Penalty for refusal to give milk for analysis.

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Mode in which the sample when purchased is to be dealt with.

17. The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent. He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the Island Professor of Chemistry.

Course to be followed when sample is not divided.

18. If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the Island Professor of Chemistry receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate, to the purchaser who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Penalty on any person refusing to sell any article to any such officer.

19. If any such officer, inspector, or police officer, as above described, shall apply to purchase any article of food or any drug exposed to sale, or on sale by retail, on any premises or in any shop or stores, or in any street or open place of public resort, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, inspector, or police officer, such person shall be liable to a penalty not exceeding ten pounds.

Form of analyst's certificate.

20. The certificate of the analysis shall be in the form set forth in the schedule hereto or to the like effect.

Quarterly report of the Island Professor of Chemistry.

21. The Island Professor of Chemistry shall report quarterly to the Governor-in-Executive Committee the number of articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis and the sum paid to him in respect thereof.

Proceedings against offenders.

Who may take proceedings.

22. When the Island Professor of Chemistry having analysed any article shall have given his certificate of the result, from which it may appear that an offence against

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some one of the provisions of this Act has been committed, the person causing the analysis to be made may take proceedings for the recovery of the penalty herein imposed for such offence before the Police Magistrate having jurisdiction in the place where the article or drug sold was actually delivered to the purchaser, in a summary manner.

Every penalty imposed by this Act shall be recovered summarily before a Police Magistrate. Penalty how recoverable.

Every prosecution for an offence against the provisions of this Act shall be instituted within one month after the commission of the offence. Limitation of time.

23. At the hearing of the information in such proceeding the production of the certificate of the Island Professor of Chemistry shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the Island Professor of Chemistry shall be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced. Certificate of analyst prima facie evidence, but defendant may require the analyst called.

24. In any prosecution under this Act where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Act it shall be incumbent upon him to prove the same. Defendant must prove that he is within any exception or proviso.

25. If the defendant in any prosecution under this Act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given due notice to him that he will rely on the above defence. Defendant to be discharged on proof that he bought the article in the same state as he sold it, and with a warranty.

26. In any prosecution under this Act for selling to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, it shall be no defence to any such prosecution to allege that the purchaser, having bought only for analysis, was not prejudiced by such sale, neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature or in substance or in quality, was not defective in all three respects. No defence to allege that purchaser was for analysis.

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27. Every penalty imposed and recovered under this Act shall be paid one half to the prosecutor and the other half into the Public Treasury.

Application of penalties.

28. Any person who shall forge, or shall utter knowing it to be forged for the purposes of this Act, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanour, and be punishable on conviction by imprisonment for a term not exceeding two years, with hard labour.

Penalty on forging certificate or warranty ;

on wilful misapplication of warranty ;

Every person who shall wilfully apply to an article of food, or a drug, in any proceedings under this Act, a certificate or warranty given in relation to any other article or drug, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds.

on giving a false warranty ;

Every person who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent shall be guilty of an offence under this Act and be liable to a penalty not exceeding twenty pounds.

and on giving a false label.

And every person who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds.

Indictment and contracts not to be affected by this Act.

29. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals and the rights and remedies belonging thereto.

Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug, the subject of such conviction, was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it ; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

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Expenses of executing the Act.

30. The Island Professor of Chemistry shall be entitled to receive for each analysis made by him under this Act from the Public Treasury a sum equal to the fee allowed him by the rules and regulations made by the Education Board.

Fees of Island
Professor of
Chemistry.

SCHEDULE.

FORM OF CERTIFICATE.

To *(here insert the name of the person submitting the article for analysis.)*

I, the undersigned, Professor of Chemistry for the Island of Barbados, do hereby certify that I received on the day of 18 , from *(here insert the name of the person delivering the sample)* a sample of for analysis, which then weighed *(when the article cannot be conveniently weighed this passage may be erased, or the blank may be left unfilled)*, and have analysed the same and declare the result of my analysis to be as follows :—

I am of opinion that the same is a sample of genuine
(or)

I am of opinion that the said sample contained the parts as under or the percentages of foreign ingredients as under :

OBSERVATIONS.

(Here the analyst shall insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.)

As witness my hand this day of
18 at

1889—2.

Building Societies Act.

1889—2.

An Act to provide for the establishment of Building Societies in this Island.

[1 June 1889.]

WHEREAS it is expedient to provide for the establishment of building societies in this Island : Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Building Societies Act, 1889.

Registrar.

2. The Registrar in this Act means the Registrar of Friendly Societies, who shall for the purpose of this Act be the Registrar of building societies. He shall not receive any salary, but shall be entitled to draw the fees specified in the regulations made and approved under this Act.

Definition of terminating and permanent societies.

3. A terminating society in this Act means a society which by its rules is to terminate at a fixed date, or when a result specified in its rules is attained ; a permanent society means a society which has not by its rules any such fixed date or specified result at which it shall terminate.

Incorporation of societies.

4. Every society registered under this Act shall, upon receiving a certificate of incorporation under this Act, become a body corporate by its registered name, having perpetual succession, until terminated or dissolved in manner herein provided, and a common seal.

Purpose for which societies may be established.

5. Any number of persons may establish a society under this Act, either terminating or permanent, for the purpose of raising by the subscriptions of the members a stock or fund for making advances to members out of the funds of the society upon security of freehold or leasehold estate, by way of mortgage and judgment or either of them, or upon security of the withdrawal value of the shares held by members in the said society ; and any society under this Act may from time to time raise funds by the issue of shares of one or more denominations, either paid up in full or to be paid by periodical or other subscriptions, and with or without accumulating interest, and may repay such funds when no longer required for the purposes of the society.

Bonus &c., not to be deemed usurious.

6. It shall be lawful for any society registered under this Act to receive from any member or members thereof any sum or sums of money by way of bonus on any share or shares for the privilege of receiving the same in advance

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prior to the same being realised and also any interest for the share or shares so received or any part thereof without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any of the Statutes of this Island relating to usury ; and every society registered under this Act shall be exempt from the payment of all parochial taxation save and except in respect of the ownership or occupancy of any lands or buildings which it may possess or rent.

7. The liability of any member of any society under this Act in respect of any share upon which no advance has been made shall be limited to the amount actually paid or in arrear on such share, and in respect of any share upon which an advance has been made shall be limited to the amount payable thereon under any mortgage or other security or under the rules of the society. Limitation of liability of members.

8. With respect to the borrowing of money by societies under this Act, the following provisions shall have effect :— Power to borrow money.

- (1.) Any society under this Act may receive deposits or loans at interest within the limits in this section provided from the members or other persons, or from corporate bodies, joint stock companies, or from any terminating building society, to be applied to the purposes of the society.
- (2.) In a permanent society the total amount so received on deposit or loan and not repaid by the society shall not at any time exceed two thirds of the amount for the time being secured to the society by mortgages from its members.
- (3.) In a terminating society the total amount so received and not repaid may either be a sum not exceeding such two thirds as aforesaid, or a sum not exceeding twelve months' subscriptions on the shares for the time being in force.
- (4.) Every deposit book or acknowledgment or security of any kind given for a deposit or loan by a society shall have printed or written therein or thereon the whole of sections seven and eight of the present Act.

9. The rules of every society established under this Act shall set forth :— Matters to be set forth in the rules.

- (1.) the name of the society and chief office or place of meeting for the business of the society :
- (2.) the manner in which the stock or funds of the

Building Societies Act.

society are to be raised, the terms upon which paid up shares (if any) are to be issued and repaid, and whether preferential shares are to be issued, and if so within what limits, if any; and whether the society intends to avail itself of the borrowing powers contained in this Act, and if so within what limits, not exceeding the limits prescribed by this Act :

- (3.) the purposes to which the funds of the society are to be applied, and the manner in which they are to be invested :
- (4.) the terms upon which shares may be withdrawn, and upon which mortgages may be redeemed or other securities satisfied :
- (5.) the manner of altering and rescinding the rules of the society and of making additional rules :
- (6.) the manner of appointing, remunerating, and removing the board of directors or committee of management, auditors, and other officers :
- (7.) the manner of calling general and special meetings of the members :
- (8.) provision for an annual or more frequent audit of the accounts and inspection by the auditors of the mortgages and other securities belonging to the society :
- (9.) whether disputes between the society and any of its members, or any person claiming by or through any member, or under the rules, shall be settled by reference to the Assistant Court of Appeal in its original jurisdiction or to the Registrar, or to arbitration :
- (10.) provision for the device, custody and use of the seal of the society, which shall in all cases bear the registered name thereof :
- (11.) provision for the custody of the mortgage deeds and other securities and documents belonging to the society :
- (12.) the powers and duties of the board of directors or committee of management and other officers :
- (13.) the fines and forfeitures to be imposed on members of the society :
- (14.) the manner in which the society, whether terminating or permanent, shall be terminated or dissolved.

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10. The persons intending to establish a society under this Act shall transmit to the Registrar two copies of the rules agreed upon by them for the government of the society, signed by three of such persons and by the intended secretary or other officer; and the Registrar, if he find that the rules contain all the provisions set forth in section nine of this Act and that they are in conformity with this Act, shall return one copy of the rules to the secretary or other officer of the society with a certificate of incorporation, and shall retain and register the other copy; provided that no society shall be registered under this Act in a name identical with that in which a subsisting society is already registered, or so nearly resembling the same as to be calculated to deceive, unless such subsisting society is in course of being terminated or dissolved, and consents to such registration. The society shall supply to any person requiring the same a complete printed copy of the rules, with a copy of the certificate of incorporation appended thereto, and shall be entitled to charge for every such printed copy of rules a sum not exceeding one shilling.

11. Any society established under this Act may alter or rescind any rule or make an additional rule in the manner its rules direct; and shall forward two copies of every resolution for rescission of a rule, and of every alteration of or addition to its rules, signed by three members and the secretary, and an affidavit to be sworn before any Police Magistrate or Justice of the Peace by an officer of the society that the provisions of this section have been complied with, to the Registrar, who, if he finds that such alteration, addition, or rescission is in conformity with this Act, shall return one of the copies to the secretary or other officer of the society with a certificate of registration, and retain and register the other copy.

12. Any society registered under this Act may change its chief office in the manner its rules direct, or if there be no such directions then at a general meeting specially called for the purpose in the manner set forth in the rules of the society, and no alteration of rule shall be necessary upon such change nor shall the provision of section eleven apply to such change. Notice of every such change shall be given by the secretary of the society to the Registrar within seven days after such change and shall be registered by him, and he shall give a certificate of such registration.

13. Any society under this Act in a schedule to its rules may describe the forms of conveyance, mortgage, and other forms of

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conveyance, &c. transfer, agreement, bond, security for deposit or loan or other instrument necessary for carrying its purposes into execution.

Evidence of registration. **14.** Any certificate of incorporation or of registration or other document relating to a society under this Act purporting to be signed by the Registrar shall in the absence of any evidence to the contrary be received by all Courts of law and equity and elsewhere without proof of the signature, and a printed copy of the rules of a society certified by the secretary or other officer of the society to be a true copy of its registered rules shall in the absence of any evidence to the contrary be received as evidence of the rules.

Rules to be binding on members and others. **15.** The rules of the society under this Act shall be binding on the several members and officers of the society and on all persons claiming on account of a member or under the rules, all of whom shall be deemed and taken to have full notice thereof.

Change of name. **16.** A society under this Act may change its name by resolution of three fourths of the members present at a meeting called for the purpose, provided that the new name is not identical with that of any society previously registered and still subsisting, or so nearly resembling the same as to be calculated to deceive, unless such subsisting society is in course of being terminated or dissolved and consents to such registration. Notice of the change of name shall be sent to the Registrar and registered by him, and he shall give a certificate of registration. Such change of name shall not affect any right or obligation of the society, or any member thereof, or other person concerned.

Officers to give security. **17.** Every officer of a society under this Act having the receipt or charge of any money belonging to the society shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to the form set forth in the schedule to this Act, or give the security of a guarantee society, or such other security as the society direct, in such sum as the society require, conditioned for rendering a just and true account of all moneys received and paid by him on account of the society, and for payment of all sums of money due from time to time to the society at such times as its rules appoint, or as the society require him to do so.

Officers to account. **18.** Every such officer, his executors or administrators, shall, upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the board of directors or committee of management of the society to be examined and allowed

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or disallowed by them, and shall on the like demand or notice pay over all the moneys remaining in his hands, and deliver all securities and effects, books, papers, and property of the society in his hands and custody to such persons as the society appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such securities and effects, books, papers and property, in manner aforesaid, the society may sue upon the bond, or may apply to the Chief Judge of the Court of Common Pleas of this Island in chambers, who may proceed thereupon in a summary way and make such order thereon as to him in his discretion may seem just, which order shall be final and conclusive.

19. If any person appointed to or employed in any office in any society established under this Act and having in his hands or possession by virtue of his office any moneys or property whatsoever of such society or any deeds or securities belonging to such society shall die or become insolvent or have any execution or attachment or other process issued against any part of his property, or shall have any action raised against his lands, goods, chattels, effects or property or other real or personal estate, or shall make any assignment, disposition, assignation, or other conveyance for the benefit of his creditors, the heirs, executors, administrators or assignees of every such officer and every other person having or claiming right to the property of such officer and the person executing such process and the party raising such action respectively shall, upon demand in writing made by any person authorized by the board of directors or committee of management of such society or by some meeting of such society to make such demand, deliver and pay over all such moneys, property, deeds and securities belonging to such society to such person as shall have been appointed as aforesaid to receive the same.

Protection of moneys or property of the society in the possession of any officer thereof.

20. Any society under this Act may from time to time, as the rules permit, invest any portion of the funds of the society, not immediately required for its purposes, in any of the public funds guaranteed by the Legislature of the Island or on good real security in this Island, or in the purchase of lands, or lands and buildings, being real estate of inheritance in this Island, with power to exchange the said lands or to sell the same together or in lots or to erect any buildings thereon and to sell the same, or under the provisions of the Agricultural Aids Act, 1905, or in the shares of any company registered under the Joint Stock Companies Acts of Great Britain and Ireland, or of

Investment of surplus funds.

Building Societies Act.

this Island, or incorporated by Act of the Imperial Parliament or of this Island, or by charter; provided that no such investment be made in the shares of any company other than one with limited liability; or, in case of terminating societies, with other societies under this Act; and a society so investing may make such investment in its registered name.

Payment of sums not exceeding £50 when members or depositors die intestate.

21. If any member of, or depositors with, a society under this Act having in the funds thereof a sum of money not exceeding fifty pounds shall die intestate, then the amount due may be paid to the person who shall appear to the directors or committee of management of the society to be entitled under the Statute of Distributions to receive the same, without taking out letters of administration, upon the society receiving satisfactory evidence of death and an affidavit to be sworn before any Police Magistrate or Justice of the Peace that the member or depositor died intestate, and that the person so claiming is entitled as aforesaid; provided that whenever the society after the decease of any member or depositor has paid any such sum of money to the person who at the time appeared to be entitled to the effects of the deceased under the belief that he had died intestate, the payment shall be valid and effectual with respect to any demand from any other person as next of kin or as the lawful representative of such deceased member or depositor against the funds of the society, but nevertheless such next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same.

Payment to persons appearing to be next of kin declared valid.

Provision for the case of a member dying intestate leaving an infant heir.

22. Whenever a member of a society under this Act, having executed a mortgage to the society containing a power of sale, shall die intestate leaving an infant heir or infant co-heiress, it shall be lawful for the said society, after selling the premises so mortgaged to them, to pay to the administrator or administratrix of the deceased member any money to the amount of one hundred and fifty pounds which shall remain in the hands of the society after paying the amount due to the society and the costs and expenses of the sale, without being required to pay the same into court as provided by the Guardians, Executors, Administrators and Trustees Act 1891.

Punishment of fraud in withholding money &c.

23. If any person whosoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers, or other effects of a society under this Act or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the

Building Societies Act.

rules of the society and authorized by this Act, he shall be liable on summary conviction to a penalty not exceeding twenty pounds with costs not exceeding twenty shillings, and to be ordered to deliver up to the society all such moneys, securities, books, papers, or other effects of the society, and to repay the amount of money applied improperly, and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months ; but nothing herein contained shall prevent any such person from being proceeded against by way of indictment if a conviction has not been previously obtained against him for the same offence under the provisions of this Act.

24. A society under this Act may terminate or be dissolved ;

Proceedings
necessary for the
termination or
dissolution of a
society.

- (1.) upon the happening of any event declared by its rules to be the determination of the society ;
- (2.) by dissolution in manner prescribed by its rules ;
- (3.) by dissolution with the consent of three fourths of the members holding not less than two thirds of the number of shares in the society, testified by their signatures to the instrument of dissolution.

The instrument of dissolution shall set forth

- (a) the liabilities and assets of the society in detail ;
- (b) the number of members and the amount standing to their credit in the books of the society ;
- (c) the claims of depositors and other creditors, and the provision to be made for their payment ;
- (d) the intended appropriation or division of the funds and property of the society ;
- (e) the names of one or more persons to be appointed trustees for the special purpose, and their remuneration.

Alterations in the instrument of dissolution may be made with the like consent testified in the same manner. The instrument of dissolution and all alterations therein shall be registered in the manner provided for the registration of rules and shall be binding upon all the members of the society.

- (4.) By an order to wind up the society or a resolution for the winding up thereof made as is directed in regard to companies by the Companies Act 1910, the provisions whereof shall apply to any such order

Building Societies Act.

or resolution. Notice of the commencement and termination of every dissolution or winding up shall be sent to the Registrar and registered by him.

Societies may unite with others, or one society may transfer its engagements to another.

25. Two or more societies under this Act may unite and become one society with or without any dissolution or division of the funds of such societies or either of them, or a society under this Act may transfer its engagements to any other society upon such terms as shall be agreed upon by three fourths of the members (holding not less than two thirds of the whole number of shares) of each of such societies present at general meetings respectively convened for the purpose. Notice of every such union or transfer shall be sent to the Registrar and registered by him, and such registration shall operate as an effectual conveyance, transfer, and assignment as at the date of registration of the funds, property, and assets of the said societies so uniting to the united society, or of the society transferring its engagements to the society to which such engagements may be transferred, as may be set forth in the instrument of union or transfer of engagements, without any conveyance, transfer, or assignment whatsoever, save and except in the case of stocks and securities requiring any special mode of transfer; provided always that such union or transfer of engagements shall not affect the rights of any creditor of either or any society uniting or transferring its engagements.

Determination of disputes by arbitration.

26. Where the rules of a society under this Act direct disputes to be referred to arbitration, arbitrators shall be named and elected in the manner such rules provide, or, if there be no such provision, at the first general meeting of the society, none of the said arbitrators being beneficially interested directly or indirectly in its funds, of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute, the number of the said arbitrators and mode of ballot being determined by the rules of the society; the names of such arbitrators shall be duly entered in the minute book of the society, and, in case of the death or refusal or neglect of any of the said arbitrators to act, the society, at a general meeting, shall name and elect an arbitrator to act in the place of the arbitrator dying, or refusing, or neglecting to act; and whatever award shall be made by the arbitrators or the major part of them, according to the true purport and meaning of the rules of the society, shall determine the dispute, and should either of the parties to the dispute refuse or neglect to comply with or conform to such award within a time to be limited therein, the Assistant Court of Appeal of this Island in its original jurisdiction,

Court may order compliance with the decision of arbitrators.

Building Societies Act.

upon good and sufficient proof being adduced of such award having been made, and of the refusal of the party to comply therewith, shall enforce compliance with the same upon the petition of any person concerned. Where the parties to any dispute arising in a society under this Act agree to refer the dispute to the Registrar, or where the rules of the society direct disputes to be referred to the Registrar, the award of the Registrar shall have the same effect as that of arbitrators.

Determination
of disputes by
Registrar.

27. The said Assistant Court of Appeal in its original jurisdiction may hear and determine a dispute in the following cases :—

Determination
of disputes by
court.

- (1.) If it shall appear to the Court upon the petition of any person concerned that application has been made by either party to the dispute to the other party, for the purpose of having the dispute settled by arbitration under the rules of the society, and that such application has not within forty days been complied with, or that the arbitrators have refused or for a period of twenty one days have neglected to make any award ;
- (2) Where the rules of the society direct disputes to be referred to the said court.

28. Every determination by arbitrators or by the said Assistant Court of Appeal or by the Registrar of a dispute shall be binding and conclusive on all parties, and shall be final to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court of equity ; provided always that the arbitrators or the Registrar or the said Assistant Court of Appeal, as the case may be, may, at the request of either party, state a case for the opinion of the Court of Common Pleas on any question of law, and shall have power to grant to either party to the dispute such discovery, as to documents and otherwise, as might now be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the society as the arbitrators, Registrar, or Assistant Court of Appeal may determine.

Determination
in any case to
be final.

29. The word “ disputes ” in this Act or in the rules of any society hereunder shall be deemed to refer only to disputes between the society and a member or any representative of a member in his capacity of a member of the society, unless by the rules for the time being it shall be otherwise expressly provided, and in the

Definition of
“disputes.”

Building Societies Act.

absence of such express provision shall not apply to any dispute between any such society and any member thereof or other person whatsoever as to the construction or effect of any mortgage, deed, or other security, or any contract contained in any document, other than the rules of the society, and shall not prevent any society or any member thereof or any person claiming through or under him from obtaining in the ordinary course of law any remedy in respect of any such mortgage or other security or other contract to which such person or the society would otherwise be by law entitled.

Buildings may be purchased or leased &c., as places of business.

30. A society under this Act may purchase, build, or hire, or take upon lease any building for conducting its business, and may adapt and furnish the same, and may purchase or hold upon lease any land for the purpose of erecting thereon a building for conducting the business of the society, and may sell, exchange, or let such building, or any part thereof.

Minors may be elected members.

31. Any person under the age of twenty one years may be admitted as a member of any society under this Act the rules of which do not prohibit such admission, and may, subject to the rules of the society, enjoy all the rights of a member (save as herein provided), and may execute all instruments and give all acquittances required to be executed and given by the rules, but during his nonage he shall not be competent to vote or hold any office in the society.

Shares may be held by two or more persons jointly.

32. Two or more persons may jointly hold a share or shares in any society under this Act, and all shares held jointly by any two or more persons in any society registered under this Act, the rules whereof shall not prohibit such joint holding, shall be deemed to be lawfully so held.

Societies shall make annual audits and statements of the funds to the members.

33. The secretary or other officer of every society under this Act shall, once in every year at least, prepare an account of all the receipts and expenditure of the society since the preceding statement, and a general statement of its funds and effects, liabilities, and assets, showing the amounts due to the holders of the various classes of shares respectively, to depositors and creditors for loans, and also the amount due or outstanding on the securities given by members (not including prospective interest), and the amount invested on other securities; and every such account and statement shall be attested by the auditors, to whom the mortgage deeds and other securities belonging to the society shall be produced, and such account and statement shall be countersigned by the secretary or other officer; and every member, depositor, and creditor for loans shall be entitled to

Building Societies Act.

receive from the society a copy of such account and statement, and a copy thereof shall be sent to the Registrar within fourteen days after the annual or other general meeting at which it is presented, and another copy thereof shall be suspended in a conspicuous place in every office of the society under this Act,

34. When all moneys intended to be secured by any mortgage or further charge given to a society under this Act have been fully paid and discharged, the society may endorse upon or annex to such mortgage or further charge a re-conveyance of the mortgaged property to the then owner of the equity of redemption, or to such persons and to such uses as he may direct, or a receipt under the seal of the society countersigned by the secretary or manager in the form specified in the schedule to this Act, and such receipt shall vacate the mortgage or further charge or debt, and vest the estate of and in the property therein comprised in the persons for the time being entitled to the equity of redemption without any re-conveyance or re-surrender whatever, and satisfaction shall be entered on any judgments held by the society for such moneys.

Receipt endorsed on mortgage to be sufficient discharge without reconveyance.

35. If any society formed under this Act, or any persons representing themselves to be a society under this Act, commence business without first obtaining a certificate of incorporation under this Act, or if any society under this Act make default in forwarding to the Registrar any returns or information by this Act required, or in inserting in any deposit book or acknowledgment or security for loan the matters required by section eight of this Act to be inserted therein, or make a return wilfully false in any respect, the person or persons by whom business shall have been so commenced, or by whom such default shall have been made, or who shall have made such wilfully false return, shall be liable for every day business is so carried on, or for every such default or false return, upon summary conviction before any Police Magistrate on the complaint of the Registrar, to a penalty not exceeding five pounds. If any society under this Act receives loans or deposits in excess of the limits prescribed by this Act, the directors or the committee of management of such society receiving such loans or deposits on its behalf shall be personally liable for the amount so received in excess.

Penalties.

36. The Registrar may, subject to the approval of the Governor-in-Executive Committee, from time to time make regulations respecting the fees, if any, to be paid for the

Regulations may be made by Registrar.

1889—2.

Building Societies Act.

transmission, registration, and inspection of documents under this Act, and generally for carrying this Act into effect. The Registrar shall give his certificates in the forms contained in the schedule to this Act respectively.

SCHEDULE.

FORM OF BOND.

Know all men by these presents that we
of one of the officers of the building
society established at in the of
and of (as surety on behalf
of the said) are jointly and severally held and
firmly bound to the said society in the sum of to be
paid to the said society, for which payment well and truly
to be made we jointly and severally bind ourselves, and
each of us by himself, our and each of our heirs, executors,
and administrators firmly by these presents. Sealed with our
seals. Dated the day of in the year of
our Lord

Whereas the above-bounden hath been
duly appointed to the office of * of the
 building society, established as aforesaid,
and he, together with the above bounden as his
surety, hath entered into the above-written bond subject
to the condition hereinafter contained:

Now, therefore, the condition of the above written bond
is such, that if the said shall and do render a just
and true account of all moneys received and paid by him,
and shall and do pay over all the moneys remaining in his
hands, and assign and transfer or deliver all securities and
effects, books, papers, and property of or belonging to the
said society in his hands or custody, to such person or
persons as the society shall appoint, according to the rules
of the said society, together with the proper or legal receipts
or vouchers for such payments, then the above written bond
shall be void and of no effect, otherwise shall be and remain
in full force and virtue.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR
FURTHER CHARGE.

The building society hereby acknowledge to
have received all moneys intended to be secured by the
within written deed.

1889—2.

Building Societies Act.

In witness whereof the seal of the society is hereto
affixed this day of by order of the
board of directors in presence of

FORMS OF CERTIFICATES TO BE GIVEN UNDER THIS ACT.

Certificate of incorporation.

The Registrar of building societies in Barbados hereby
certifies that the building society, estab-
lished at (*address*), is incorporated under the Building
Societies Act 1889.

This day of 18

Registrar of building societies.

Certificate of registration of alteration of rules.

The Registrar of building societies in Barbados hereby cer-
tifies that the foregoing alterations of (*or additions to*) the
rules of the building society established at (*address*)
are registered under the Building Societies Act, 1889.

This day of 18

Registrar of building societies.

Certificate of registration of change of name.

The Registrar of building societies in Barbados hereby cer-
tifies that the registered name of the building
society, established at (*address*) is changed from the date
hereof to the name following, namely, pursuant to
the Building Societies Act, 1889.

This day of 18

Registrar of building societies.

Certificate of alteration of chief office.

The Registrar of building societies in Barbados hereby
certifies that the registered chief office of the
building society established at (*address*) is changed from the
date hereof to the office or place following,

This day of 18

Registrar of building societies.

1889—3.

Inscribed Stock Act.

1889—3.

An Act to provide for the creation of Inscribed Stock.

[22 June 1889.]

WHEREAS it is expedient to provide for the creation of inscribed stock, and to enable this colony to take advantage of the provisions of an Act of the Imperial Parliament entitled "The Colonial Stock Act 1877;" Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act shall be cited as the Inscribed Stock Act 1889.

Power of Governor to raise by means of inscribed stock moneys which he may be authorized to raise by loan.

2. It shall be lawful for the Governor whenever he desires to raise any sum or sums of money, being the whole or any part of any sum which he may have been authorized to raise by way of loan by any Act which may have been, or at any time may be, passed, to raise the same by the creation and issue of inscribed stock under the provisions of this Act except in such Act it shall be otherwise provided. Such stock shall be styled, "Barbados Inscribed Stock."

Loans to be a charge upon general revenues.

3. The principal moneys and interest secured by the inscribed stock created under the provisions of this Act are hereby charged upon and shall be payable out of the general revenues and assets of the Government of Barbados.

Borrowing upon inscribed stock.

4. Such inscribed stock shall be issued in England under the provisions of the Act of the Imperial Parliament entitled "The Colonial Stock Act, 1877," and of any other Acts of the Imperial Parliament altering and amending the same, whether passed before or after this Act, by such agent or agents as may from time to time be appointed by the Governor-in-Executive Committee upon the best and most favourable terms that can be obtained, and on such other conditions, subject to the provisions of this Act, as the Governor-in-Executive Committee may before the issue thereof from time to time direct, provided that the interest on such inscribed stock shall not exceed four and a half per cent. per annum.

When the principal is to be repaid.

5. All the inscribed stock which may be created under the provisions of this Act shall be redeemable at par not earlier than thirty years nor later than fifty years from the date of issue. From and after the date appointed for the repayment of the principal moneys secured thereby all interest thereon shall cease and determine, whether payment of the principal shall have been demanded or not.

Inscribed Stock Act.

6. So long as any of the inscribed stock shall remain outstanding and unredeemed, the Governor-in-Executive Committee shall in each half year ending with the day on which the interest on such inscribed stock falls due appropriate out of the general revenues and assets of this colony a sum equal to one half year's interest on the whole of such inscribed stock, and shall remit that sum to the agent or agents at such time as will enable them to pay thereout the then current half year's interest on the day when it falls due. The Governor-in-Executive Committee shall further appropriate out of the said revenues and assets in each half year ending as aforesaid an additional sum for the formation of a sinking fund equal to ten shillings per cent. on the total nominal amount of such inscribed stock, and shall remit that sum to the agent or agents with the remittance hereinbefore mentioned.

Mode of providing for payment of interest and principal of inscribed stock.

The said further appropriation shall commence at the date specified in the Acts authorizing any loans for the commencement of the sinking fund respectively.

7. The agent or agents shall, for the purpose of forming such sinking fund, from time to time invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half year, and the dividends, interest, or produce of such investments, in the purchase of such debentures, stock, or other security as may from time to time be approved by Her Majesty's principal Secretary of State for the Colonies, and shall hold such fund in trust for repayment of the principal moneys for the time being secured by the inscribed stock.

Investment of sinking fund.

In case the sinking fund shall be insufficient to provide the necessary funds for the redemption of the inscribed stock when the same shall become due, the deficiency shall be made good out of the general revenues and assets of the colony.

Any deficiency in sinking fund to be made good.

8. All expenses of or incidental to the management of the sinking fund, or to the repayment of the principal monies borrowed, shall be paid out of the sinking fund.

Expenses to be paid out of sinking fund.

9. The Governor-in-Executive Committee shall have and may exercise the following powers and authorities, or any of them :

Executive Committee may order or authorize

- (a) may from time to time declare all or any of the loans of this colony to be convertible into inscribed stock of such denominations and on such conditions as he may in Executive Committee before the creation thereof from time to time determine :

conversion of loans;

Inscribed Stock Act.

creation of inscribed stock in exchange for other securities;

creation of inscribed stock to redeem loans and for other purposes.

Arrangements for conversion.

Executive Committee may exercise powers at any time.

Exchange of securities.

Creation, inscription, issue, conversion, and transfer of inscribed stock.

- (b) may authorize the creation and issue of such an amount of inscribed stock in exchange for the securities held for such loans as may be necessary ;
- (c) may authorize the creation and sale of any such inscribed stock for the purpose of raising money for redeeming any outstanding loans, and for paying any expenses in the creation of inscribed stock, and otherwise carrying out the provisions of this Act, on such conditions as he in Executive Committee may determine.
- (d) Any conversion so authorized may be effected either by arrangement with the holders of existing securities, or by purchase thereof out of moneys raised by the sale of inscribed stock, or partly in one way and partly in the other.
- (e) Any power of this section conferred on the Governor-in-Executive Committee may be exercised from time to time, and he may in Executive Committee alter any conditions as often as occasion shall require, provided that no contract or engagement previously entered into shall be prejudicially affected thereby.

10. Nothing in this Act contained shall authorize an increase of the capital or of the annual charge on any loan, except

- (a) when securities exchanged for inscribed stock bear a higher rate of interest than the inscribed stock, an additional amount of inscribed stock may be created and issued to make up the difference in saleable value between the securities and the inscribed stock;
- (b) in the case of the conversion of securities into inscribed stock, the agent or agents shall issue such an amount of inscribed stock as may be required to defray the stamp duties and all other expenses incidental to the conversion.

11. The agent or agents may from time to time, at the request of the Governor, make arrangements for all or any of the following things :—

- (1) for inscribing stock in their books,
- (2) for managing the creation, inscription, and issue of inscribed stock,
- (3) for effecting the conversion of loans into inscribed stock,

Inscribed Stock Act.

- (4) for paying interest on inscribed stock and managing transfers thereof,
- (5) for issuing inscribed stock certificates to bearer, and as often as occasion shall require re-issuing or re-inscribing stock, and re-issuing inscribed stock certificates.

12. The securities exchanged or otherwise converted into inscribed stock under the provisions of this Act shall be forthwith cancelled by the agent or agents and transmitted to the Government of Barbados. Converted securities to be cancelled.

13. The trustees of the sinking funds appointed under the Act authorizing the issue of any securities, which may be exchanged or converted into inscribed stock under the provisions of this Act, shall determine what amount of the sinking fund held by them and created for the re-payment of such securities shall be released, and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds, the amount of the debt remaining a charge on such sinking funds, and such other matters as the trustees may think fit to take into account. Trustees to apportion amount of sinking funds released by conversion.

14. So much of the said sinking funds as may be released shall be converted into money and paid to the agent or agents for the credit of the colony, to be disposed of in such manner as the Governor with the advice and consent of the Legislature may direct. Sinking funds released how to be disposed of.

15. Nothing in this Act contained shall prevent the raising of loans in Barbados under such terms and conditions as shall be specified in any special Act authorising the raising of such loans in Barbados. Act not to prevent the raising of loans in Barbados.

An Act to make further provision for the Suppression of Brothels.

[28 June 1889.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows : —

1. This Act may be cited as the Brothels (Suppression) Act, 1889. Short title.

Brothels (Suppression) Act.

2. Any person who

Summary proceedings against brothel keeper &c.

(1.) keeps or manages or acts or assists in the management of a brothel, or

(2.) being the tenant, lessee, or occupier of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution, or

(3.) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

shall on summary conviction before a Police Magistrate be liable

(a.) to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment for any term not exceeding three months, with or without hard labour, and

(b.) on a second or subsequent conviction to a penalty not exceeding forty pounds, or, in the discretion of the court, to imprisonment for any term not exceeding four months, with or without hard labour : and in case of a third or subsequent conviction such person may, in addition to such penalty or imprisonment as last aforesaid, be required by the court to enter into a recognizance with or without sureties, as to the court seems meet, to be of good behaviour for any period not exceeding twelve months, and in default of entering into such recognizance with or without sureties (as the case may be) such person may be imprisoned for any period not exceeding three months, in addition to any such term of imprisonment as aforesaid.

Not to exempt from proceedings for offences at common law.

3. This Act shall not exempt any person from any proceeding for an offence which is punishable at common law, or under any Act other than this Act, so that a person be not punished twice for the same offence.

An Act to provide against the Disturbance of Public Worship and the Obstruction of Clergymen.

[15 July 1889.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Public Worship (Disturbance) Act.

1. This Act may be cited as the Public Worship (Dis- Short title.
turbance) Act, 1889.

2. Any person who shall wilfully disturb any meeting, Penalty for dis-
assembly, or congregation of persons lawfully assembled for turbing reli-
religious worship in any church or chapel of the Church of gious assemblies
England, or in any chapel or place of worship of any relig- and for riotous
ious denomination, or who shall be guilty of riotous, violent, behaviour in
or indecent behaviour in any such church, chapel, or place of churches, chap-
worship, whether during the celebration of divine service or els, &c.
at any other time, or in any churchyard or burial ground,
or who shall molest, let, disturb, vex, or trouble, or by any
other unlawful means disquiet or misuse any preacher duly
authorized to preach therein, or any clergyman in holy orders
ministering or celebrating any sacrament, or any divine
service, rite, or office, in any such church, chapel, or place of
worship, or in any churchyard or burial ground, shall be
liable, on conviction before a Police Magistrate, on the com-
plaint of any person, to a penalty not exceeding five pounds
or imprisonment with hard labour not exceeding two months.

3. Every such offender may be immediately removed Offenders may
from the premises, and if he persist in returning on such be removed and
premises he may be apprehended by any person and taken if persisting
to the police station and there be detained until he can be taken before a
placed before the Police Magistrate of the district and dealt Magistrate
with according to law.

An Act to amend the law relating to Perjury.

[8 March 1890.]

BE it enacted by the Governor, Council, and Assembly of this
Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Prosecution of Perjury Short title.
Act, 1890.

2. It shall and may be lawful for the Chief Justice, or for The Chief Jus-
the Judges of the Assistant Court of Appeal, or for any tice and other
Judge of any Petty Debt Court, or for any Police Judges, Magis-
Magistrate, or the Provost Marshal whenever any trates &c., au-
writ of enquiry or writ of trial from the Court of Com- thorized to direct
mon Pleas shall be executed before him, in case it shall any person ap-
appear to him or them that any person has been guilty of pearing guilty of
wilful and corrupt perjury in any evidence given, or in any perjury in evi-
dence &c., to be prosecuted, and

Prosecution of Perjury Act.

to commit the party unless he enter into a recognizance to appear and take his trial, and to bind persons to prosecute or give evidence. affidavit, deposition, examination, answer, or other proceeding made or taken before him or them, to direct such person to be prosecuted for such perjury in case there shall appear to him or them a reasonable cause for such prosecution, and to commit such person so directed to be prosecuted until the next sitting of the Court of Grand Sessions of Oyer and Terminer and general Gaol Delivery and General Sessions of the Peace, unless such person shall enter into a recognizance with one or more sufficient surety or sureties conditioned for the appearance of such person at such next sitting of the said court, and that he will then surrender and take his trial and not depart the court without leave, and to require any person, he or they may think fit, to enter into a recognizance conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid; and all oral or written evidence, taken by or produced before the said Judge, Judges, Police Magistrate, or Provost Marshal relating to or affecting the question of the guilt or innocence of the person so directed to be prosecuted, shall be transmitted to the Clerk of the Crown, or his lawful deputy ten days at least before the opening of the court at which such matter is to be tried.

Persons committing perjury or subornation of perjury may be summarily convicted and punished.
Proviso.

3. Every person who commits the offence of wilful and corrupt perjury, (provided the case has not been dealt with under the preceding section) or of subornation of perjury, shall on conviction thereof before a Police Magistrate be liable to be imprisoned, with or without hard labour, for any term not exceeding six months. Provided always that any Police Magistrate before whom any person is charged with committing either of the said offences, if he is of opinion that the offence is from any special circumstances connected therewith one which should be prosecuted by indictment, shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same.

An Act to consolidate the Acts relating to Co-operative Factories.

[11 March 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Co-operative Factories Act, 1890.

Co-operative Factories Act.

2. Sections two, three, ten, and eleven, sections twenty two to twentyseven (both included), sections twenty nine and thirty two, sections thirty nine to forty three (both included), section forty six, sections forty nine to fifty two (both included), and section fifty four of the Settled Estates Act, 1906, shall be deemed to be incorporated in this Act as if they were herein expressly enacted and shall continue to be so incorporated notwithstanding that such Act may be subsequently repealed; and when in any of the said sections the word "lease" occurs, the words "such contract as mentioned in this Act" shall be deemed to be substituted therefor.

Certain sections of the Settled Estates Act 1906 to be deemed part of this Act.

3. The power and jurisdiction by this Act conferred on the court shall be exercised subject to and in accordance with the provisions incorporated in this Act by the last preceding section.

The court to exercise its power according to these sections.

4. It shall be lawful for the court if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under any settlement to authorize contracts to be made for the manufacture into sugar of the canes grown on settled estates at co-operative factories, on the basis that the proprietors of plantations situate near or contiguous to each other should combine and should enter into a contract on a basis of co-operation and mutual benefit with any company or person that might be willing to erect at their or his expense a sugar factory for the use of the plantations of such combined proprietors; namely, on the terms that such combined proprietors shall send all the canes grown on such plantations to such factory for manufacture into sugar, and that the owner or owners of such factory shall accept payment in kind for the use of such factory, and shall retain by way of remuneration one fifth or one fourth, or such other proportion of the sugar produced from the canes delivered to such factory as shall be agreed on between the contracting parties, and shall deliver the remainder of such sugar to the proprietors of the said combined plantations in the shares and proportions in which they shall be entitled to the same; such contracts to be on such terms and to contain such covenants, conditions, and stipulations as the court shall deem expedient or shall approve of with reference to the special circumstances of each estate.

The court may authorize contracts to be made for the reaping of canes grown on settled estates at co-operative factories.

5. (1.) In the case of plantations which now are or may hereafter be cultivated and managed under the direction and control of the court, it shall be lawful for the court to authorize a contract to be made for the manufacture into sugar of the juice contained in canes grown on any such

The court may direct a receiver of any plantation to execute a contract with a co-operative

Co-operative Factories Act.

factory on behalf of all persons interested.

plantation at a co-operative factory, on the basis and in the manner hereinbefore set forth; and when any such contract has been sanctioned by the court, the court shall direct the receiver of the rents and crops of the said plantation to execute the same on behalf of the owners, mortgagees, and all persons interested in such plantations; and the contract executed by such receiver shall have the same validity and effect in all respects as it would have if such receiver were at the time of the execution thereof absolutely entitled to such plantation.

Consent of owners and incumbrancers required for such contracts.

(2) No contract shall be authorized by the court under the first part of this section except with the concurrence or consent of the owners, mortgagees, incumbrancers, and all persons interested in the plantation to which such contract relates.

Contracts under two last preceding sections not to exceed forty years.

6. No contracts authorized to be made by the two last preceding sections of this Act for the manufacture into sugar of canes grown on settled plantations or estates, or on plantations or estates under the direction and control of the Court of Chancery, at a co-operative factory on the basis and in the manner set forth in section four of this Act, shall be for a longer period than the term of forty years.

Who may apply to the court to sanction such contract.

7. Any person, having or beneficially interested in any mortgage, lien, or charge on or affecting any plantation which now is or may hereafter be cultivated and managed under the control of the court as aforesaid, may apply to the court to sanction such contract as aforesaid, and every such application must be made with the concurrence or consent of every other person having or beneficially interested in any mortgage, lien, or charge on or affecting the said plantation.

Trustees and corporations having money invested in plantations may consent to such contract.

8. It shall be lawful for any trustees or trustee, corporation, or society, having money subject to the trust belonging to the corporation or society (as the case may be) invested on security on or over any plantations, to consent to any such contract as aforesaid being made between the owners or owner or persons beneficially interested in such plantation, and the proprietors of such co-operative factory as aforesaid, and the responsibility of such trustees or trustee, corporation, or society, shall not be increased by reason of their having given such consent.

Contract shall run with the land.

9. When any contract such as is indicated in section four of this Act has been entered into between the owners and others beneficially interested in a plantation with the consent of the incumbrancers thereon (if any) on the one

Co-operative Factories Act.

part, and the owners of any co-operative factory on the other, or has been executed under the provisions of this Act, the burden and benefit of such contract shall run with the land, and it shall be binding on and enjoyed by all and every person and persons who shall thereafter in any way acquire any estate or interest in the said plantation.

10. It shall be lawful for any company or person who shall be under any contract to erect a co-operative factory in this Island to lay down tramways to facilitate the delivery of the canes to the factory, and such tramways may be constructed, subject to the provisions hereinafter mentioned, on and across public roads, and if any lands not owned by any of the persons who shall have entered into such contract as aforesaid with the owners of a factory should intervene between one or more of the plantations, whose owners have made such contract, and the said factory, it shall be lawful to construct such tramways subject to the provisions hereinafter mentioned across such intervening lands. Section two, sections fifteen to twenty four, (both included), sections forty one, forty two, forty four, forty six, and forty eight, and sections fifty to fifty three (both included) of the Bridgetown Tramways Company, Limited, Act 1911, shall be incorporated with this Act, and shall continue to be so incorporated notwithstanding that such Act may be subsequently repealed; and the tramways authorized by this Act on and across public roads shall be constructed and maintained subject to and in accordance with the provisions, regulations, and restrictions contained in the said sections of the said last-mentioned Act, and the gauge of such tramways shall not exceed the limit fixed by section thirteen of that Act, and the commissioners of roads shall in respect of such tramways have the same powers as are conferred on them by sections twenty eight and twenty nine of the said Act in respect of tramways constructed under its provisions. Sections thirty two to forty (both included) forty five to ninety five (both included) and one hundred and twenty four to one hundred and fifty one (both included) and sections one hundred and seventy five, one hundred and seventy eight, one hundred and seventy nine, one hundred and eighty one, one hundred and eighty eight, one hundred and eighty nine, one hundred and ninety one, one hundred and ninety three, one hundred and ninety nine, and two hundred and thirteen of the Barbados Railway Company's Act, 1873 shall be incorporated with this Act, and shall continue to be so incorporated notwithstanding that such Act may be subsequently repealed, the word "tramway" being substituted for the word "railway;" and the

The owners of a factory may lay tramways across public roads or lands intervening between the plantation of an owner who has made a contract as aforesaid and the factory.

Certain sections of Bridgetown Tramways Company Limited, Act 1911, incorporated with this Act.

Certain sections of the Barbados Railway Company's Act 1873 incorporated in this Act.

Co-operative Factories Act.

tramways authorized by this Act across the lands of any plantation shall be constructed subject to and in accordance with the provisions, regulations, and restrictions contained in the said sections of the said last-mentioned Act, and the gauge of such tramways shall not exceed the limit mentioned in the Bridgetown Tramways Company, Limited, Act 1911.

Gauge of the tramways.

Receipts in cases of minors, idiots, and others.

11. In all cases where money shall be payable under the provisions of this Act to any proprietor who shall be a minor, idiot, or lunatic, the receipt of the guardian, if any, or, if not, of the parent of such minor or of the committee, if any, or, if not, of a brother or sister of such idiot or lunatic shall be a sufficient discharge to the company and their treasurer for the same.

In certain cases land to revert to original owners.

12. If the tramway or any part thereof shall at any time hereafter be abandoned and given up by the company, or after the same shall have been completed for the space of five years shall cease to be used and employed as a tramway, then and in either of such cases the land or so much thereof as shall be taken or used by the company for the purposes of this Act, over which the tramway or any part or portion of such tramway which shall be so abandoned or given up by the company shall pass or be made, shall be vested in the former owner or owners thereof, his, her, or their heirs or assigns.

Machinery for the first factory and tramways to be exempt from duty.

13. The machinery of all descriptions imported to be used in the construction of the first co-operative factory to be erected under the provisions of this Act, and in laying down tramways connected therewith, shall be exempted from all duties and imposts of every kind.

An Act to consolidate the Acts relating to Signal Stations.

[11 March, 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title

1. This Act may be cited as the Signal Stations Act, 1890.

Testing land in Executive Committee.

Signal stations vested in Executive Committee.

2. All and every the buildings and lands belonging to and connected with the several signal stations called Moncrieffe, Cotton Tower, Dover Fort, Grenade Hall, and Highgate, together with the rights, members, easements, and appurtenances to the same respectively belonging, and

1890—3.

Signal Stations Act.

the signal station and the signalmen's quarters at Gun Hill, with the land on which they stand, shall be and become and remain and continue vested in the Executive Committee.

Property known as Gun Hill.

3. The whole of the property known as Gun Hill, except the signal station and the signalmen's quarters, shall remain vested in the Secretary of State for War in Great Britain and his successors in the said office.

Gun Hill to remain vested in the Secretary of State for war.

Signal Stations, when used.

4. The signal stations at Gun Hill, Moncrieffe, Cotton Tower, Dover Fort, Grenade Hall, and Highgate, shall henceforward be used as signal stations on such occasions only as the Governor-in-Executive Committee shall determine.

Signal stations to be used as such only on special occasions

1890—4.

An Act to consolidate and amend the Acts relating to the General Agricultural Society and Reid School of Practical Chemistry.

[11 March 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Agricultural Society's Act, 1890.

2. The present and all future members of the General Agricultural Society and Reid School of Practical Chemistry shall be, and they are hereby declared and adjudged to be, one body politic and corporate, by the name of "The Agricultural Society," and by that name shall and may have perpetual succession, and shall and may sue and be sued in all courts and before all Magistrates and others, in all actions, suits, complaints, matters and causes whatsoever, and shall and may have a common seal, and the same may vary and alter at their pleasure ; and by the name aforesaid shall be in law capable of holding all such estate, real and personal, as hath been already acquired by them, and of having, taking, and holding for ever hereafter, other estate, real and personal, either by purchase, gift, devise, or legacy, for the public use and benefit of the said society ; provided nevertheless, that such real estate shall not exceed in value at any time the sum of two thousand pounds.

The members of the General Agricultural Society and Reid School of Practical Chemistry declared to be one body politic and corporate &c.

Agricultural Society's Act.

Corporation may make bye-laws and ordinances.

3. The members of the said society, or any five of them, shall have full power and authority to make, ordain, establish, and put into execution any bye-laws, ordinances, orders, rules, and regulations for and concerning the nomination, election, suspension, removal, and expulsion of members and officers, and the management, collection, and disposal of the funds, moneys, or estate belonging to the said society, and for conducting and regulating the business affairs and concerns of the said society, and relative to any other matter or thing whatsoever which may in any wise concern the good government of the society, and the same from time to time to change, repeal, or vary as may seem proper: provided always, that no such bye-laws, ordinances, orders, rules, and regulations be in any wise repugnant or contrary to Her Majesty's prerogative royal, or to the laws of Great Britain or this Island; and that the same shall not in any manner affect any other person or persons than those who are or may become members of the said society; and it shall be lawful for the members of the said society, or any five of them, to fix and appoint in all or any of such bye-laws, ordinances, orders, rules, and regulations, all or any reasonable and adequate fines, forfeitures, and penalties for the non-observance, non-performance, or breach thereof, and for enforcing the due observance thereof.

£250 to be paid the society every alternate year from 1890, and £150 every alternate year from 1891.

4. The sum of two hundred and fifty pounds is hereby granted to the said society to be paid to them in every alternate year commencing from the present year one thousand eight hundred and ninety. And the further sum of one hundred and fifty pounds is hereby granted to the said society to be paid to them in every alternate year commencing from the year one thousand eight hundred and ninety one.

The society to account each year for the grant of the previous year.

5. The said society shall make an annual statement to the Legislature of the appropriation of the grant made to them in the preceding section hereof in every year previous to drawing the grant payable for the next following year.

How payments are to be made.

6. All payments to be made under this Act shall from time to time be made on the warrant of the Governor-in-Executive Committee.

Fines incurred by breach of bye-laws to be recoverable in a summary manner.

7. All fines, forfeitures, and penalties to be incurred by virtue of any bye-law, ordinance, order, rule, or regulation to be made, ordained, and established as aforesaid, and all sums to become due to the said society from any of the members of said society, shall be sued for and recovered in a summary way before any Police Magistrate on the complaint of any member of the said society in a summary manner;

1890—4.

Agricultural Society's Act.

and all and every the Police Magistrates are hereby authorized and required to take cognizance thereof accordingly ; and all fines, forfeitures, and penalties when received, or the overplus thereof, after deducting necessary charges, shall be paid into the hands of the treasurer of the said society for the time being, for the use of the said society.

1890—5.

An Act to provide for the payment of the Expenses arising in cases where natives of the colony are tried by British Courts in Foreign Countries.

[26 April 1890.]

BE enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Trial by British Courts Short title. (Natives in Foreign Countries) Expenses Act 1890.

2. In all cases in which a person, who is a native of or ordinarily resident in this Island, commits an offence in a foreign country and is tried by a British court under the Foreign Jurisdiction Acts 1843 to 1878, and is either convicted, or on the ground of insanity acquitted, the expenses of the prisoner's removal to the colony or place in which he is to undergo his sentence, or to be confined as a criminal lunatic, and of his maintenance during his imprisonment or confinement, and also any other expenses incident to his conviction or to his acquittal on the ground of insanity shall, so far as they cannot be met out of the effects of the prisoner under any order of the court, be paid on the warrant of the Governor-in-Executive Committee out of the Public Treasury.

1890—6.

An Act to consolidate and amend the Acts relating to the West India and Panama Telegraph Company, Limited.

[26 April 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Telegraph (West India Short title. and Panama) Company's Act, 1890.

Telegraph (West India and Panama) Company's Act.

Interpretation.

2. In this Act the expression "the company," shall mean "the West India and Panama Telegraph Company, Limited," incorporated on the ninth day of January one thousand eight hundred and seventy seven.

A subsidy of
£1,500 granted
for 1900.

3. A subsidy of one thousand five hundred pounds is hereby granted from the Public Treasury of this Island to the company for the period of one year to commence and be computed from the first day of January one thousand nine hundred payable by quarterly payments of three hundred and seventy five pounds on the thirty first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty first day of December in the said year, and the Treasurer of the Island is hereby authorised to pay to the duly constituted agent or agents of the company the said subsidy in the manner and at the times aforesaid on the warrants of the Governor-in-Executive Committee, provided the following conditions are complied with, that is to say : Provided that the duplicate cable between this Island and the Island of St. Vincent. and the cable or cables connecting Europe and America with the colony of British Guiana, the Islands of St. Vincent, Grenada, Trinidad, St. Lucia, Martinique, Dominica, Guadeloupe, Antigua, St. Kitts, St. Thomas, Porto Rico, Jamaica, Cuba, and all and every of the other West India colonies between which and the continent of North America or Europe telegraphic communication exists, is maintained in efficient operation throughout the extent of the line or lines, and the provisions of this Act are duly observed : and provided always that the Governor-in-Executive Committee shall have and is hereby invested with a discretionary power to determine whether any, and if so what, deductions shall be made from the current amount of subsidy payable to the company for any interruption in the regular and complete transmission of intelligence by such company's line, and in the event of any such deduction as aforesaid becoming necessary, the same shall be made from the quarterly amount payable : provided also that if the subsidy is continued by any annual Act it shall be lawful for the Governor-in-Executive Committee at any time to terminate the subsidy on giving the company, or their principal officer or servant resident in this Island, three clear months' notice of the intention of the Governor-in-Executive Committee that it shall so determine, and the subsidy shall upon the date of the expiration of the said term of three clear months expire and determine as if it had been therein enacted that it should then expire and determine.

Daily bulletin of

4. In consideration of the subsidy granted by this Act,

Telegraph (West India and Panama) Company's Act.

and during the said period of one year, there shall be published daily at the Telegraph Station in Bridgetown, free of charge and for the use of the public, a bulletin making known the general news of Europe and the United States of America, and any news of importance or of interest in the line of route of the cable in the West Indies, and intelligence of the arrivals of the contract West India packets in England and any delay or alteration in their departure therefrom, and the arrivals and departures at and from the first and other ports in the West Indies, and also the ruling market prices in London and in New York of not less than eighteen articles, including stocks, discount, and exchange, to be determined by the Governor-in-Executive Committee, who is hereby authorised to change vary or amend the same from time to time as he may think fit, and a copy of the daily bulletin shall be forwarded by the company to the public printers, to be published in the Official Gazette, and to the Colonial Postmaster who shall cause it to be posted in some conspicuous place for the information of the public.

5. The rate of charges for messages to be made by the company shall from time to time be fixed by the Governor-in-Executive Committee, and the tariff settled and agreed upon by the Committee and the company, and approved of by the Governor, shall forthwith be published in the Official Gazette and shall be binding on all parties, and the Committee aforesaid shall in conjunction with the company have power to make such rules and arrangements in matters of detail as circumstances may require, provided such rules and arrangements are not repugnant to any provisions of this Act, or to any Act of the Imperial Parliament, and such rules shall after being sanctioned by the Governor-in-Executive Committee be published in the Official Gazette, and shall thenceforth have full force and effect.

6. The company shall be answerable for all accidents, damages, wrongs, and injuries happening through the act or default of the the company or any person in their employ, by reason or in consequence of any of the company's works, and shall save harmless all persons or bodies having the control of streets or roads, collectively or individually, and their officers and servants, from all damages and costs in respect of such accidents and injuries, and in case there shall be at any time no member or members of the said company resident in the said Island, or no person duly authorized and appointed in their behalf against whom any suits or actions can be brought in any courts of law or equity in this Island,

Telegraph (West India and Panama) Company's Act.

it shall be lawful for any person or persons or any body politic or corporate, having cause of suit or action against the said company, to commence, institute, and prosecute against the principal officer or servant of the said company resident this Island any actions or suits, or other proceedings at law or in equity, as nominal defendant, and all such proceedings and decisions taken and made as aforesaid shall be binding on the said company. And it shall be lawful for any person or persons, after he or they shall have obtained judgment and execution against the said company, and after making affidavit thereon by himself, or themselves, or by his or their attorney, that the judgment is still unsatisfied and to what amount, to lodge the same with the Colonial Treasurer of this Island, who is hereby required by and out of the moneys due or accruing due to the said company in respect of the said subsidy to pay the amount of the said judgment debt to such judgment creditor. Provided always that it shall be lawful for a judge upon the ex parte application of such judgment creditor, either before or after oral examination, and upon affidavit by such judgment creditor by himself or his attorney stating that judgment has been recovered, and that it is still unsatisfied and to what amount, to order the said Treasurer to appear before the judge or a master of the court, as such judge shall appoint, to show cause why he should not pay the judgment creditor the amount sufficient to satisfy the said judgment out of the moneys due or accruing due in respect of the said subsidy to the said Company.

Penalty for wilful and malicious injury to the company's property.

7. Every person who shall wilfully and maliciously injure any of the wires, lines, and other property and matters in connection with the West India and Panama Telegraph Company, Limited, shall for every such offence forfeit to the said company a sum not exceeding five pounds to be recovered on the complaint of the superintendent or other authorised agent of the company before any Police Magistrate of this Island in a summary manner.

Right of way and right of leasing or compulsorily purchasing land granted to the company.

8. Full power and authority is hereby granted to the company to have and exercise such right of way as may be necessary for laying cables in the bed of the sea and foreshore, and continuing their lines to and from the necessary station or stations; and the company shall have and enjoy all the necessary rights for taking and holding leases of, or buying, absolutely or otherwise, any lands or hereditaments in this Island which may be necessary for carrying out the objects of the company, and in case of dispute the value of such lands and hereditaments shall be determined by arbitration

Telegraph (West India and Panama) Company's Act.

or by special juries, in the manner provided for the settlement of such disputes between the owners of lands and hereditaments and the Governor-in-Executive Committee by the Compulsory Powers (Land) Act 1888.

9. Every telegraph of the company shall be open to the messages of all persons alike without favour or preference. Telegraph to be open to all.

10. The company shall have free control over the whole line and be exempt from customs and any other duties for all instruments, cables, wires, and other materials necessary for the use and construction of the telegraphic lines or cable aforesaid, or in the office or offices on the line. All vessels which shall convey telegraphic cable or cables to the West India colonies, those that accompany them or act as tenders thereto, and supply vessels for the same, may enter the ports of Barbados free of port charges or other charges or taxes on said vessels, or their cargoes, as far as it concerns only objects destined for the establishment and working of the line and the buildings and constructions that will have to be erected in this Island by the company for the establishment of the telegraphic lines or cables, and for the agents and functionaries of the company, shall be free from all taxation; provided always, that the advantages granted to the company by this section shall not extend beyond the period for which the subsidy is granted. Company to have free control of line and to be exempt from certain duties, taxes &c.

11. The company shall not sell, transfer, or lease their undertaking or works, or any part thereof, to any other company, or to any body or person, except with the consent of the Legislature of this Island signified by special enactment. Company not to sell &c., undertaking without leave.

12. If any person in the employment of the company wilfully or negligently omits or delays to transmit or deliver any message, or by wilful or negligent act or omission prevents or delays the transmission or delivery of any message, or improperly divulges to any person the purport of any message, he shall for every such offence be liable to a penalty not exceeding twenty pounds, to be recovered summarily before any Police Magistrate on the complaint of the person or persons aggrieved, and paid to the Colonial Treasurer for the use of the public. Penalty for neglect in transmission of messages &c.

13. If the Governor requires the company to transmit any message on Her Majesty's service, such message shall (notwithstanding anything hereinbefore contained) have priority over all other messages, and the company shall as soon as reasonably may be transmit the same, and shall, Priority to be given to Governor's messages on H.M. service.

Telegraph (West India and Panama) Company's Act.

until such transmission thereof, suspend the transmission of all other messages.

No monopoly granted.

14. Nothing in this Act contained shall be understood to grant any exclusive rights to the company, or to prevent the like privileges being extended to any private persons, or corporate bodies, desiring to carry on telegraphic communication with this Island.

Governor by warrant may take possession of line.

15. Where in the opinion of the Governor an emergency has arisen in which it is expedient for the public service that the Colonial Government should have control over the transmission of messages by the company's telegraph, the Governor, by warrant under his hand, may direct and cause the company's works and lines, or any part thereof, in this colony, to be taken possession of in the name and on behalf of Her Majesty, and to be used for Her Majesty's service, and subject thereto, for such ordinary service as may seem fit, or may direct and authorize such persons as he thinks fit to assume the control of the transmission of messages by the company's telegraphs, either wholly or partly, or in such manner as he directs. Any such warrant shall not have effect for a longer time than one week from the issuing thereof, but the Governor may issue successive warrants from week to week, as long as in his opinion such emergency continues. The Colonial Treasurer shall, on the warrant, pay to the company as compensation for any loss of profit sustained by the company by reason of the exercise by the Governor of any of the powers of the present section, out of the public revenues of the colony, such sum as may be settled between the Government of the colony and the company by agreement or, in case of difference, by arbitration, such arbitration to be conducted as follows :—

Operation of warrant and renewal.

Compensation to be paid to company to be fixed by agreement or arbitration.

Arbitrators to be named within 14 days.

Umpire.

In default of either party Chief Justice to nominate.

- (1.) The Governor and the said company shall each, within fourteen days after the delivery by one to the other of a demand in writing for an arbitration, nominate an arbitrator.
- (2.) The two arbitrators nominated shall, before entering on the arbitration, nominate an umpire.
- (3.) If either party or arbitrator makes default in nominating an arbitrator or umpire, within six weeks after receiving from the other a demand in writing for such nomination, the Chief Justice of this colony may, on the request of the Governor, or of the said company, under his hand nominate an arbitrator or umpire.

Telegraph (West India and Panama) Company's Act.

- (4.) The arbitrators shall make their award within two months after their nomination, otherwise the matter shall be left to be determined by the umpire. Award to be given by arbitrators within 2 months.
- (5.) The umpire shall make his award within three months after notice from the arbitrators, or one of them, that the matter is left to be determined by him, or on default, a new umpire shall be appointed, as nearly as may be in manner aforesaid, who shall make his award within the like time, or in default be superseded, and so toties quoties. Umpire's award to be given in 3 months.
- (6.) The award of the arbitrators or umpire shall be final and conclusive as between the Governor and the said company. Award to be final.

16. Nothing contained in this Act shall be of any force or effect if repugnant to the provisions of any Act of the Imperial Parliament now in force, or which may hereafter be enacted for the purpose of regulating the powers to be exercised by telegraph companies within Her Majesty's dominions. This Act to be of no effect if or so far as repugnant to Imperial Acts.

17. Provided always that the powers and privileges granted to the aforesaid company by this law are so granted on the condition that the said company is not now in possession of, and shall not at any time hereafter acquire, any exclusive right or privilege of telegraphic communication in the state of Panama, and that in case of such possession or acquisition all the powers and privileges by this law granted shall cease and determine. Privileges granted on condition that the company shall not have exclusive rights in Panama.

18. Sections three and four of this Act shall continue in operation until the thirty first day of March one thousand nine hundred and twelve. Duration of Act.

An Act to enable the Governor-in-Executive Committee to purchase certain portions of the land adjoining Bay Street on both sides thereof.

[26 April 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Bay Street Improvement Act, 1890. Short title.

2. In this Act "land" shall include messuages, lands, tenements, and hereditaments of any tenure whatsoever. Interpretation.

Bay Street Improvement Act.

- Governor-in-Executive Committee authorized to expend a sum not exceeding £15,000 in the purchase of land on both sides of Bay Street.
3. The Governor-in-Executive Committee is hereby authorized to expend a sum not exceeding fifteen thousand pounds in the purchase, in the manner hereinafter provided, of such portions as they may select of the land that lies to the west of Bay Street in the city of Bridgetown and between the War Department land on the south and the Careenage on the north, and of such portions as they may select of the land that lies on the eastern side of Bay Street aforesaid between the War Department land called "The Banyans" on the south and the Careenage on the north; provided always that the portion of land to be purchased under this Act shall so far as practicable consist both of land on one side of the said street and of the land facing it on the other side, and shall not all be situated on one side only of the said street; and provided also that the portions of land purchased on the eastern side of the said street shall not exceed two hundred feet in depth as measured from the eastern boundary of the said street.
- Proviso.
4. The said portions of land shall be purchased under the provisions of the Compulsory Powers (Land) Act 1888, subject to the following sections of this Act, and also to the condition that after service of the notice referred to in section fourteen of the said Act the compensation to be paid for such land shall be assessed by a jury to be summoned under the provisions of the said Act and in no other manner.
- Land to be purchased under the Compulsory Powers (Land) Act 1888 and this Act.
5. (1.) The Governor-in-Executive Committee shall, on each occasion that they shall determine to purchase any of the said land, specify in writing what land they have determined to purchase, and after the service of the requisite notice on the owner such land, whether it may consist of one piece, the property of one or joint owners, or may consist of several pieces, owned respectively by different owners, shall be appraised and the compensation assessed by one and the same jury.
- Land to be purchased to be specified in writing and appraised by one and the same jury.
- (2.) If however any juror who shall have been empanelled shall be unable from any cause, the sufficiency of which shall be subject to the approval of the Provost Marshal, to attend, it shall be lawful for the Provost Marshal to empanel a juror in his place.
- Juror may be empanelled in the place of another juror unable to attend.
6. (1.) The Governor-in-Executive Committee is hereby authorized to have a survey made and measurements taken of any portion of the said land, and for that purpose may appoint a surveyor who shall be empowered, after having given in writing three days' notice of his intention so to do, to enter upon and survey and measure any portion of such lands.
- Governor-in-Executive Committee may appoint a surveyor to survey any such land.

1890—7.

Bay Street Improvement Act.

(2.) Any person who shall obstruct such surveyor in the execution of the powers conferred by this Act may be apprehended without warrant and taken before a Police Magistrate, and upon summary conviction shall be liable to a penalty not exceeding twenty pounds. Penalty for obstructing such surveyor.

7. It shall not be obligatory on the Governor-in-Executive Committee to purchase any of such land only because a survey of such land has been made. Purchase of land surveyed not obligatory.

1890—8.

An Act to consolidate the Acts relating to the Salary of the Governor of Barbados, and his Private Secretary, the Furnishing of Government House, the Upkeep of Grounds, and the Supply of Water to Government House.

[6 June 1890]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Governor's Act, 1890. Short title.

Salaries of Governor and his Private Secretary.

2. The Officer administering the Government of this Island shall be entitled to receive from the Public Treasury, for his own use, the annual sum of two thousand five hundred pounds. Governor to receive an annual salary of £2500.

3. The Private Secretary of the Officer administering the Government of this Island shall be entitled to receive from the Public Treasury, for his own use, the annual sum of two hundred pounds. Private Secretary to receive an annual salary of £200.

4. The several annual sums hereinbefore mentioned shall be paid out of the Public Treasury by equal monthly instalments on warrant of the Governor-in-Executive Committee. Mode of payment of salaries.

Furniture.

5. The Governor shall pay five per cent. per annum on the last estimated value of the furniture in the bedrooms, kitchens, and other rooms not used for the public reception of company, and of all other articles provided at the cost of the Island and used by him; provided always that he shall not be subject to any charge on account of the fur- Governor to pay five per cent on furniture in rooms other than public reception rooms and offices.

Governor's Act.

niture of the reception rooms, or of the offices used by himself or by his Private Secretary.

The cost of furnishing Government House to be provided for on the annual estimates.

6. The rooms at Government House shall, in accordance with the custom which has hitherto prevailed, be painted and papered (when necessary) and furnished at the expense of the Island. Plate and table ornaments to a moderate and reasonable extent, and linen, crockery, glass, cutlery, and kitchen utensils will also be provided as has hitherto been customary at the cost of the Island, the sums required for these purposes being voted as hitherto on the annual estimates.

Colonial Treasurer to deduct the five per cent from the Governor's salary quarterly.

7. The Colonial Treasurer is hereby authorized and required to deduct, in equal quarterly sums, from the salary of the Governor, the said sum of five per cent. per annum on the estimated value of the furniture in respect of which the Governor is required to pay a percentage.

Value of furniture how to be arrived at.

8. (1.) For the purpose of arriving at the estimated value of the furniture and other articles on which the Governor is to pay a percentage, the latest valuation shall be taken as the present value of the furniture and other articles, and an annual reduction of five per cent. shall be allowed for depreciation and the percentage charged on the reduced amount.

(2.) The Governor shall be charged with five per cent. on the cost of new furniture or other articles, and on this cost an annual reduction of five per cent. shall be allowed for depreciation.

Loans or damage how made good.

9. All furniture and plate supplied at the expense of the Island is to be kept complete; and any article lost or damaged otherwise than by fair wear is to be made good at the expense of the Governor or other officer occupying Government House for the time being, and the Colonial Treasurer is hereby required to call upon such Governor or other officer as aforesaid to make good or repair any such loss or damage.

Inventory to be made whenever the Government becomes vacant.

10. On each occasion of the Government being vacated, an inventory of the furniture and other articles at Government House shall be made by such person as shall be appointed for that purpose by the Executive Committee.

Expenditure to be defrayed out of what vote.

11. Any necessary expenditure incurred in carrying out the provisions of this Act shall be defrayed from the vote for furniture granted for the year within which such expenditure falls.

1890—8.

Governor's Act.

Gardens and Grounds.

12. A sum not exceeding fifty pounds per annum shall be paid to the Governor monthly from the Treasury on the warrant of the Governor-in-Executive Committee for the upkeep of the gardens and grounds of Government House. £50 a year granted for upkeep of Government House grounds.

Water.

13. The sum of thirty pounds per annum, to be paid by the Treasurer monthly on the warrant of the Governor-in-Executive Committee, is granted for a supply of three thousand gallons of water daily to Government House and the buildings thereto belonging. £30 a year granted for the supply of water to Government House.

1890—9.

An Act to provide a Fund for Rebuilding or Repairing any of the Public Buildings which may be injured or destroyed.

[7 July, 1890.]

WHEREAS it is expedient that provision should be made for rebuilding or repairing any public building that may be injured or destroyed: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as the Public Buildings (Insurance) Act, 1890. Short title.

2. The Governor-in-Executive Committee is hereby authorized and required, by warrant on the Colonial Treasurer, annually to draw and appropriate to the formation of a fund to be termed "The Public Buildings (Insurance) Fund" a sum equal to five shillings per one hundred pounds on the estimated values of such public buildings as the Governor-in-Executive Committee deem it advisable to insure against loss or damage. Public Buildings (Insurance) Fund to be formed by annual drawings from the Public Treasury.

3. The sum required to be drawn and appropriated as aforesaid, and also all interest to be derived from all investments made as hereinafter mentioned, shall be invested in such manner and in such securities as the Governor-in-Executive Committee shall determine. And the Governor-in-Executive Committee shall have power, as often as to him Governor-in-Executive Committee empowered to invest sums drawn and to vary investments &c.

Public Buildings (Insurance) Act.

shall seem fit, to vary the investments of the said fund, or, subject to the provisions of section four of this Act, to withdraw from investment such sum as may from time to time be required to rebuild or repair any public building that may be injured or destroyed.

No sum to be withdrawn from investment without sanction of the Legislature

4. It shall not be lawful for the Governor-in-Executive Committee to withdraw any sum for the purpose last aforesaid until the two Houses of the Legislature shall have passed a resolution authorizing such withdrawal.

Limit of fund which is to be formed.

5. When the fund provided for by this Act shall have reached such sum as the Governor-in-Executive Committee shall deem sufficient, sections two and three shall cease to have any effect, and the interest thereafter derivable from the fund invested shall be paid into the Treasury to the credit of the general revenue ; provided that whenever any sum is withdrawn from the fund under the provisions of section three of this Act, sections two and three shall again be revived and come into operation until the fund again reaches the sum abovementioned in this section.

Detailed annual statement of particulars of fund to be furnished the Legislature.

6. The Governor-in-Executive Committee shall annually furnish for the information of the Legislature a detailed statement in writing showing the position of the fund, the nature of the securities in which it is invested, and the interest derivable from the investment.

An Act to consolidate the Acts relating to the Taking and Carrying away Sand from certain parts of the Beach.

[8 July 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short Title.

Short title.

1. This Act may be cited as the Beach Protection Act, 1890.

Removal of sand.

The taking away of sand from the

2. (1.) If any person shall (except as is hereinafter excepted) dig, take, or carry away, or aid or assist in digging,

Beach Protection Act.

taking, or carrying away any sand, stones, shingle or gravel from any part of the beach or seashore of this Island between Oistin's Fort windward and Harrison's Point in the parish of Saint Lucy, such person shall on conviction be liable to a penalty not exceeding five pounds to be recovered in a summary manner on the complaint of any person.

shore within certain limits prohibited.

(2.) It shall and may be lawful for the Executive Committee, the Commissioners of the Highways, their deputies, officers, servants, and all persons acting under their orders or by their authority, to dig, take and carry away any sand, stones, shingle, or gravel from any part of the beach or sea-shore aforesaid for the uses of Her Majesty, her heirs and successors, for the public works and buildings of this Island, and for the highways.

Prohibition not to extend to the removal of sand by the Executive Committee or Highway Commissioners for public purposes.

(3) Nothing in the first part of this section contained shall prevent the removal for building or domestic purposes of the wash or gravel usually called "bay sand" along the western coast extending from the rivulet at Yacht Battery in the parish of Saint Michael to Harrison's Point in the parish of Saint Lucy; provided also that no sand shall be removed from any part of the beach without the consent of the owner or representative of the land bounding the beach on which such sand may be.

Or to the removal of sand within certain limits for building or domestic purposes.

Apprehension of offenders.

3. It shall and may be lawful for any person with or without a warrant from a Police Magistrate to apprehend any person who contrary to the provisions of this Act may be found digging, taking, or carrying away, or aiding or assisting in digging, taking, or carrying away sand, stone, shingle, or gravel from any part of the beach or sea-shore aforesaid, and by and with the assistance of his servants (if necessary) with all convenient speed to carry him before a Police Magistrate to be dealt with according to the provisions of this Act.

Offenders may be apprehended by any person with or without a warrant.

Seizure and disposal of carts, &c.

4. If any boats, waggons, carts, or hand or wheel-barrows, or other vehicles, or carriages, horses, mules, asses, or cattle shall be used by any person contrary to the provisions of this Act in the removal of sand, stones, shingle, or gravel from any part of the beach or sea-shore aforesaid, it may be lawful for any person, with or without the warrant of a Police Magistrate, to seize and detain all such boats, wag-

Boats, carts, &c. used in contravention of the Act may be seized with or without a warrant.

Beach Protection Act.

gons, carts, hand and wheel-barrows, or other vehicles, or carriages, horses, mules, asses and cattle, and to make complaint thereof before the Police Magistrate of the parish, who is hereby authorized and empowered, on due proof thereof, to deposit such boats at the harbour police station and such waggons, carts, hand and wheel-barrows, or other vehicles or carriages, horses, mules, asses, and cattle, at the yard of the police station of the parish, and to fine the owners or proprietors thereof in the sum of one pound twelve shillings sterling for every such boat, waggon, cart, hand or wheel-barrow, or other vehicle or carriage, horses, mules, asses, or cattle, and if the same be not claimed within fifteen days from the date of such fine to condemn all and every such boats, waggons, carts, hand or wheel-barrows, or other vehicles or carriages, horses, mules, asses, and cattle, as aforesaid, to Her Majesty, her heirs and successors: and the same when so condemned shall by order of the said Police Magistrate be sold at public auction by the district auctioneer, and the money arising therefrom paid into the Public Treasury for the uses of the Island.

and the owners
fined.

Penalties.

Recovery and
disposal of pen-
alties.

5. All fines forfeitures and penalties under this Act may be recovered in a summary manner before a Police Magistrate on the complaint of any person, and one half thereof paid to the complainant and the other half into the Public Treasury to the credit of the general revenue.

An Act to consolidate and amend the Acts relating to Poor Apprentices.

[8 July 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Apprentices Act, 1890.

Any person under 21 may by indenture bind himself as apprentice until he attains 21.

2. It shall and may be lawful for any boy or girl within this Island, under the age of twenty one years, by indenture under hand and seal to contract, agree, and bind him or herself an apprentice to any person exercising a trade, calling or husbandry within this Island, for and during any term until they shall arrive unto the age of twenty one years;

Apprentices Act.

provided the said contract and agreement be made by and with the consent of one of the parents of the said boy or girl so to be bound apprentice as aforesaid; and in case the parents of such boy or girl be dead, then by and with the consent and approbation of the guardian of such boy or girl, and in case such boy or girl have no parent or guardian living, then with the consent and approbation of the next Police Magistrate to the place where the parents of the said boy or girl lived and the Churchwarden of that parish, which Police Magistrate and Churchwarden are hereby required to examine the master or mistress what trade, calling, or occupation he or she is of; and consider whether the said boy or girl, so to be bound apprentice as aforesaid, be fit for such the trade, calling, or occupation of such master or mistress. And if it appear to the said Police Magistrate and Churchwarden that the said boy or girl be fit for such trade, calling, or occupation, then the said Police Magistrate and Churchwarden are to see the said master or mistress and the said boy or girl sign, seal, and deliver the indentures of apprenticeship interchangeably, and set their hands to an endorsement thereupon signifying their approbation thereof. And all such indentures of apprenticeship so signed and sealed by any boy or girl under the age of twenty one years, with the consent of the parent, guardian, or Police Magistrate and Churchwarden aforesaid, shall be sufficient to oblige the said boy or girl to serve his master or mistress the term, and to do and perform the covenants and agreements therein specified as well and effectually, to all intents and purposes, as if the said boy or girl were above the age of twenty one years at the sealing thereof; any law to the contrary notwithstanding.

3. It shall and may be lawful for any Police Magistrate within this Island to bind out any loose, idle, or unsettled persons under the age of twenty one years to apprenticeship, for any term, until he or she arrive unto the age of twenty one years; wherein the said Police Magistrate shall observe and proceed in such manner as is appointed by a Statute made in the fifth year of the reign of Queen Elizabeth, Chap. 4.

Police Magistrate may bind as apprentices any idle persons under 21 until they attain 21.

4. It shall and may be lawful for the Churchwarden of any parish within this Island, with the consent of the Police Magistrate of the parish, to put out apprentice any boy or girl, under the age of twenty one years, who has been educated at the expense of the parish in which such boy or girl lives; and any and every such indenture of apprenticeship, signed and sealed by the Churchwarden of such parish

Any Churchwarden with the Police Magistrate's consent may bind as apprentice any child under 21 who has been edu-

Apprentices Act.

cated at the expense of parish.

and such Police Magistrate, shall be as effectual, to all intents and purposes, as if the parent or parents of such boy or girl had signed or consented to the same, anything in the said Act, or in any law, usage, or custom to the contrary in any wise notwithstanding.

Police Magistrate entitled to settle disputes between apprentices and masters.

5. If any dispute shall happen betwixt the master or mistress of any such apprentice, so placed out as aforesaid, and the apprentice, which cannot be settled and accommodated by the interposition of the parent or guardian, complaint may be made on either side to any Police Magistrate who is hereby empowered and required to hear and determine the same by a due examination of witnesses on oath; and if it shall appear to the said Police Magistrate that the said master or mistress has been guilty of such gross behaviour as to render it improper for the said apprentice to serve out his time, he is forthwith to discharge such apprentice from the said service, and to transfer him or her to such other person, for the remainder of the term, as the parent or guardian shall think fit and can procure to accept of and take such apprentice.

If master is in fault apprentice may be transferred to another master.

If apprentice is in fault he is ordered to perform his duty under a penalty on non-compliance.

6. From the time of such acceptance the new master or mistress and the said apprentice shall in all respects be on the same terms as if the said apprentice had been first bound to him or her so accepting and taking such apprentice for the residue of the term; but if it appear to the said Police Magistrate that any such apprentice be in the fault, the said Police Magistrate is to order such apprentice, on the penalty of being committed to gaol till a compliance, immediately to repair home to his master or mistress, there to continue and perform his duty for the residue of the term then to come; and to be liable as before to such moderate correction as is allowed by the laws of England in the like case.

Penalty for decoying &c., or detaining any apprentice with intent to send him to another colony.

7. If any person shall take away, decoy or entice away, or detain any young person over the age of twelve and under the age of twenty one years, who shall at the time be an apprentice to any trade or calling, from the service of the master or mistress to whom such young person is apprenticed, with intent to send away such person from this Island for the purpose of being employed in any other colony; or if any person shall with such intent as aforesaid receive or harbour any such person, knowing the same to have been so taken away, decoyed or enticed away, or detained, as hereinbefore last-mentioned, or if any person shall, with such intent as aforesaid and without the knowledge of such master or mistress as aforesaid, send or carry away, or cause and procure to be sent or carried away from this Island, any such

Apprentices Act.

young person being such apprentice as aforesaid, every such person shall for every such offence, on conviction thereof before any Police Magistrate, incur a penalty not exceeding fifty pounds nor less than ten pounds, to be recovered in a summary manner, and paid one half to the informer and the other half into the Public Treasury for the uses of this Island.

8. If any person shall appeal to the Assistant Court of Appeal or from that Court to the Court of Error against the conviction for any offence committed by him against the provisions of this or any Act amending this Act, such person shall be detained in custody until the hearing or withdrawal of the appeal unless he shall enter into recognizance, in the form in the schedule to this Act, before the court against whose decision or judgment the appeal is made, with or without a surety or sureties as the said court may determine, conditioned to appear and try such appeal and to abide the judgment of such court thereon, and to pay such costs as may be awarded by such court; or the appellant may, if the court from whose decision or judgment he appeals thinks it expedient, instead of entering into recognizance give such other security by a deposit of money with the clerk of the court as that court may deem sufficient; provided always that such recognizance be entered into or such security be given within the period limited by law for making such appeal.

Offender appealing against any conviction under this Act to be detained in custody unless he enters into a recognizance.

9. Any sum which may become due in pursuance of any recognizance or deposit given or made under the provisions of the last preceding section shall be recovered in a summary manner before a Police Magistrate on complaint of the clerk of the court directing such recognizance or deposit to be given or made, and shall be paid into the Public Treasury to the credit of the general revenue.

Proceedings on such recognizance.

SCHEDULE.

RECOGNIZANCE.

Complainant or appellant. }
Defendant or respondent. }

WHEREAS the undersigned principal party to this recognizance hereby binds himself to perform the following obligation, namely :

The said principal party and the undersigned

1890—11.

Apprentices Act.

sureties hereby severally acknowledge themselves to forfeit to the crown the sums following—that is to say, the said principal party, the sum of _____ pounds, and the said sureties, the sum of _____ pounds each in case the said principal party fails to perform the above obligation.

Dated this _____ day of _____ 18

(Signed) A.B. Principal party.

C.D. }
E.F. } Sureties

1890—12.

An Act to consolidate and amend the Acts of this Island relating to Savings Banks.

[6 September, 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Savings Bank Act, 1890.

Interpretation.

2. In this Act unless the context otherwise requires ;
the expression, “ the Savings Bank, ” means the principal institution established in the city of Bridgetown ;

the expression “ District Savings Bank, ” means any branch of the Savings Bank established or intended to be established under the provisions of this Act ;

the expression, “ the Actuary, ” means the person for the time being Actuary and Secretary of the Savings Bank, or his lawful deputy.

Management.

3. The Savings Bank, established in the city of Bridgetown in this Island for the savings of the labouring and industrial classes and for the funds belonging to charitable and other societies in this Island, shall be under the management of six fit and proper persons of whom four shall be ex officio managers, as hereinafter provided, and two shall be ordinary managers, appointed from time to time as vacancies shall occur by the Governor-in-Executive Committee.

Savings Bank Act.

4. The Colonial Secretary, the Attorney General, the Ex officio managers, Solicitor General, and the Colonial Treasurer for the time being, or the persons acting as such, shall be and they are hereby appointed ex officio managers of the said Bank for the purposes hereinafter mentioned.

5. The ex officio managers are hereby required to meet Official managers once in every three months to inspect the general affairs of the Bank, and shall perform such other duties as are hereinafter required of them. to meet once a quarter.

6. One of the ordinary managers shall attend on each day the Bank is opened, and shall receive as a remuneration Attendance of ordinary managers for his services twelve shillings and sixpence for each day's attendance, to be paid from the surplus funds of the institution, and the ex officio managers are hereby authorised to allow the same; provided always that both of the ordinary managers may be required by the Actuary to attend on any day.

7. It shall be lawful for the Governor, whenever a Appointment of vacancy shall occur, to nominate and appoint from time to time some fit and proper person to be the Actuary and Secretary of the said Bank, who before assuming the duties thereof shall enter into a bond to our Sovereign Lady the Queen her heirs and successors, in the sum of two hundred pounds, and two securities each in the sum of one hundred pounds, for the due and faithful discharge of the duties of his office as such Actuary and Secretary, and for the due and faithful accounting for all moneys which may come to his hands under the authority of this Act. Bond.

8. The Actuary and Secretary of the Savings Bank shall receive from the funds of the Savings Bank the annual salary of five hundred pounds in equal monthly instalments, which sum the ex officio managers are hereby authorised to allow at their inspection of the accounts of the Savings Bank. Salary of Actuary to be paid from the funds of the Savings Bank.

9. (1.) The Governor may also appoint the following Appointment and salaries of clerks in Savings Bank. clerks to assist the Actuary in the performance of his duties, that is to say:—

- (a) First Clerk at a salary of £225 increasing by £5 a year to £250 a year.
- (b) Second Clerk at a salary of £125 increasing by £5 a year to £150 a year.
- (c) Third Clerk at a salary of £75 increasing by £5 a year to £100 a year.
- (d) Fourth Clerk at a salary of £60 a year.

Savings Bank Act.

(2.) The Actuary may also from time to time expend sums not exceeding £30 in any one year on such extra clerical assistance in the performance of his duties as he may find necessary.

(3.) The above salaries and allowances for extra clerical assistance shall be paid monthly from the funds of the Savings Bank, and the ex officio managers are hereby authorised to allow the same at their inspection of the accounts of the Savings Bank.

Days and hours of business to be fixed by Governor-in-Executive Committee.
Actuary to attend on all occasions when Bank is open.

10. The Bank shall be opened on such days and between such hours as may be named from time to time in any rule to be made as hereinafter mentioned for that purpose by the Governor-in-Executive Committee for the receipt and payment of deposits, and on such occasions the Actuary and Secretary or person acting as such shall be present, and one of the ordinary managers of the day to superintend the working of the bank.

Notice to ordinary managers when to attend.

11. The Actuary and Secretary shall give due notice to the ordinary managers of the day on which according to the rotation they ought respectively to be in attendance.

Deposits by individuals, trustees, or treasurers of charitable institutions or bequests.

12. The Actuary and Secretary shall receive all deposits which shall be made by individuals, trustees, treasurers of any charitable institutions, or of any charitable donation or bequest for the maintenance, education, or benefit of the poor, or any friendly society, in any sum not less than one shilling from any one person, under such conditions as are or shall be especially provided for that purpose by the Governor-in-Executive Committee; provided it shall not be lawful for the said Secretary or Actuary to receive any sum or sums of money from any individual, trustee, or treasurer, other than the treasurer of a friendly or other charitable society, exceeding the sum of one thousand pounds, principal and interest included, nor to pay any interest on the same when such sum or sums shall hereafter amount to or continue at the said sum of one thousand pounds and upwards.

Limit to amount of deposits.

Interest.

13. Interest shall be allowed on any complete pound deposited at the rate of three pounds per cent per annum, and shall be computed from the first day of the month next following the day on which a complete pound shall have been deposited, or on which deposits of a less amount shall have been made a complete pound up to the last day of the month previous to the day on which moneys are withdrawn; no interest shall be calculated under a half-penny.

Repayment of deposit and in-

14. The Colonial Government hereby guarantees to all persons who have deposited or may deposit money in the

Savings Bank Act.

Savings Bank the repayment, in accordance with the provisions of this Act, of all money so deposited, and also the payment in accordance with this Act of the interest on the sums deposited. interest guaranteed by Government.

15. Deposits not exceeding one pound may be withdrawn on a week's notice; if exceeding one pound and not exceeding five pounds at a month's notice; and exceeding five pounds at three months' notice; provided always that it shall be lawful for such notice to be dispensed with and the amount forthwith paid in any case in which the Actuary, when any application is made, shall think proper. Withdrawal of deposits.

16. It shall be lawful for the managers of the Savings Bank to deposit all moneys received by them in the Colonial Bank in the name of the Savings Bank, such deposits to be drawn out only by cheques signed by two of the managers and the Actuary; provided nevertheless that it shall be lawful for the managers to keep in the iron chest of the Savings Bank such sum as they may deem necessary for the ordinary payments. Deposits to be paid into Colonial Bank. Cheques how signed.

17. The ex officio managers of the Savings Bank may keep on deposit receipt in the Colonial Bank such sums as they may think fit, in addition to any sum kept for the general purposes of the Savings Bank on current account; and all sums not so kept by them on deposit receipt or current account, and not kept for the ordinary payments, shall from time to time be placed by them at interest on such security and in such manner as to them shall seem best, with the sanction and approval of the Governor-in-Executive Committee. The amount that may be kept at deposit or current account at Colonial Bank. Investments of residue with sanction of Governor-in-Executive Committee.

18. At the end of each quarter the cash in hand and account with the Colonial Bank shall be examined by the Auditor General, and a certificate thereof signed by the Auditor General verifying the account shall be published in the Official Gazette together with a general summary of the business of the Bank for the same period. Quarterly certificate of audit to be published.

19. Should any depositor having money in the Savings Bank take no transaction therein for the space of seven years, all interest shall cease on the said deposit. Interest to cease in certain cases.

20. In case any depositor, or any person for whom or for whose benefit any moneys shall have been deposited in the name of a trustee, shall die intestate leaving a sum of money on deposit, not exceeding twenty-five pounds exclusive of interest, it shall be lawful for the ex officio managers of the Bank, or for the trustee in whose name any such A deposit not exceeding £25 on death of a depositor or a cestui-que trust intestate shall be paid by the ex-

The Savings Bank Act.

office managers or trustee to the widow or next of kin or his guardian. money may have been deposited (as the case may be), to pay over such money to the widow, if any, or if there be no widow then to the next of kin of such intestate, or should such next of kin be under age to his or their legally appointed guardian, and the receipt of such widow or next of kin or guardian shall be a sufficient discharge for the payment of such moneys.

What shall be sufficient proof of intestacy. **21.** For the purposes of intestacy under the preceding section a search at the Registration Office, and no will or testamentary paper being found on record there at the day prior to such payment, shall be deemed sufficient.

Disposal of deposit of illegitimate depositor dying intestate. **22.** If any depositor being illegitimate die intestate, leaving any person who, but for the illegitimacy of such depositor, or of such depositor and of such person, would be entitled to the money due to such deceased depositor, it shall be lawful for the managers of the Bank, with the authority in writing of the Attorney General or person acting as Attorney General of this Island for the time being, to pay the money due to such deceased depositor to the persons who, in his opinion, would have been entitled to the same according to the Statute of Distributions, if the said depositor and such person had been legitimate.

Depositor residing abroad. **23.** Moneys may be paid to the representative of any depositor residing abroad under a power of attorney executed in the presence of some recognised public officer of the district where the depositor resides, or proved in the usual way in this Island; such power of attorney to be recorded in the Registration Office or to be left with the Actuary of the Savings Bank.

Power to managers to draw out sums invested and assign securities. **24.** The ex officio managers for the time being of the Bank shall have power to draw out and receive any sums of money which may have been invested for the uses of the Bank, or to assign and transfer any securities for money taken in their names or in the names of their predecessors in office, or in the names of any other persons for the purposes of the Bank; and it shall not be necessary for any ex officio manager who may have retired from office, or for the personal representative of any such deceased manager, or of such other person as aforesaid, to join in any draft, receipt, assignment, or transfer which may be made by the ex officio managers for the time being for the purpose of raising money for the uses of the Bank, and in all actions, suits, or other proceedings the ex officio managers for the time being of the Bank shall be described not by name, but simply by the term "The ex officio managers of the Barbados Savings

Savings Bank Act.

Bank," and such actions, suits, and other proceedings shall not be in any way affected by any change in the persons for the time being constituting the ex officio managers of the Savings Bank, but shall be continued and carried on to completion in all respects as if no such change had occurred.

25. If at any time money shall be required for the purposes of the Bank, before it can be called in and received or raised by transfer of the securities on which the same may be invested, or if from any other cause it becomes necessary for the Colonial Government to fulfil the guarantee given by section fourteen of this Act, the ex officio managers of the Bank shall report the same to the Governor-in-Executive Committee, and the Governor-in-Executive Committee shall, if such money is required for the payment of any deposit or interest thereon in accordance with this Act, authorize the Colonial Treasurer to make advances to the ex officio managers of such sums of money as may be required for that purpose, and the ex officio managers shall deposit with the Colonial Treasurer the securities held by them for such sum or sums of money as together equal the whole amount so advanced, and such securities shall be and stand charged with the repayment of such advances to the Public Treasury.

In certain cases Governor-in-Executive Committee may authorize Treasurer to make advances.

26. No sum shall be paid or subscribed into the Bank by any person by ticket or number or otherwise without disclosing his name, together with his profession, business, occupation or calling, and residence, to the Secretary and the Actuary or a manager of the Bank, and in the case of sums deposited in his name as trustee for some other person without satisfying the Secretary and Actuary of the existence of such person and stating his or her name, occupation, and residence, of all which due entry shall be made in the books of the Bank.

Full description of depositor's calling.

27. Every depositor in the Bank shall, on his first deposit, sign a book containing the rules and regulations of the Bank, together with a declaration of his consent thereto which signature shall be attested by the manager.

Signature of depositor.

28. All deposits shall be entered in a book of the Bank at the time when they are made, and the depositor shall receive a book with a corresponding entry therein of his account signed by a manager and by the Actuary, which duplicate account book must be produced at the Bank whenever any further sum is deposited or any sum withdrawn.

Deposits to be recorded when made; and pass book given to depositor.

29. The receipt or discharge of the treasurer, trustee, Receipt of treas-

Savings Bank Act.

urer of any
friendly society.

or other officer for the time being of any friendly society, for any money paid according to the requisition of such treasurer, trustee, or other officer apparently authorized to require such payment, shall be a sufficient discharge for the same, and the managers and trustees of the Savings Bank shall not be responsible for any misapplication of any such money by the person or persons to whom the same shall be so paid, or for any want of authority of the person or persons requiring or receiving such payment.

Receipts for de-
posits by trus-
tees.

30. When deposits shall be made by a trustee or trustees on behalf of another person or persons, the receipt and receipts of such trustee or trustees or the survivor of them, or the executors or administrators of any sole trustee or surviving trustee, with or without the receipt of the person or persons on whose account such sum of money may have been deposited, shall be a good and valid discharge to the trustees and managers of the Savings Bank.

Disposal of de-
posit in event of
trustee dying,
&c.

31. Should any trustee die or become insane or imbecile and probate of his will, or letters of administration of his estate and effects, in case of death be not produced to the manager of the Bank, or notice in writing of such administration or will be not given within three months after the death of such trustee or trustees, or should a trustee leave the Island without leaving a legal representative, then the said managers may pay any sum of money deposited by such trustee or trustees to the person on whose account such sum shall be deposited, on proof of the death or absence as aforesaid from the Island of such trustee, and the identification of the party claiming; and in the case of insanity or imbecility, on proof thereof to the satisfaction of the said managers, in each or either of which cases the receipt of the said claimant shall be a valid discharge to the manager; provided that no payment shall be made to any party claiming before he or she shall attain the age of fourteen years, but in such cases the interest may be paid to the parent or guardian of such child until it shall have arrived at the said age.

Married woman
having deposits
before or after
marriage.

32. A married woman may be paid any sum of money deposited by her before or after marriage, unless the husband of such married woman shall give to the managers of the Bank notice in writing of his marriage and shall require payment to be made to himself; if such notice be given then such money shall be paid to such married woman only on proof that she is entitled to receive it.

Depositor be-

33. In case any depositor in the Bank shall become

Savings Bank Act.

insane or otherwise incapacitated to act whether from illness or any other cause, and the same shall be proved to the satisfaction of the manager in attendance by the certificate of a medical attendant in case of insanity, or by the certificate of a medical attendant or otherwise in cases of illness or other bodily infirmity, and if the ex officio managers shall be satisfied of the necessity of the case they may authorise and allow the payment out of the deposits of any such person of such weekly sums for his care, maintenance, medical attendance, and otherwise, as they shall think fair and reasonable and the urgency of the case shall require; all which weekly or other payments shall be made on the receipt of the party to whom such payment shall have been directed to be made by such managers, and every such receipt shall be a valid discharge to the Bank.

coming insane or otherwise incapacitated by infirmity.

34. Except as hereinbefore provided, money deposited in the Bank shall not be repaid unless to the depositor personally, or to the bearer of a power of attorney signed by the depositor and witnessed by a manager or by a minister or churchwarden of the parish wherein the depositor resides, according to a form to be obtained at the Bank.

Payments to be made to depositor personally or to bearer of a power of attorney.

35. Minors may deposit money in the Bank in their own names, and withdraw the same together with any interest that may accrue thereon.

Minors.

36. The managers of the Bank may refuse to receive deposits, and may return deposits if they see fit.

Power to refuse deposits.

37. Interest shall be made up half yearly to the thirtieth day of June and the thirty first day of December in every year, and shall be duly credited to the depositors, and at the end of each year a full and complete statement of the transactions of the Bank shall be laid by the ex officio managers before the Governor, Council, and General Assembly of this Island, and published in the Official Gazette.

Interest to be made up half-yearly and credited.

38. It shall be lawful for the Governor-in-Executive Committee from time to time to make proper rules and regulations for carrying on the business of the Bank, and to alter, amend or add thereto as to him may seem fit; and the same shall, at the end of one month after publication thereof in the Official Gazette, be binding on all parties; provided such rules and regulations be not repugnant to the provisions of this Act; provided also that the present rules, except such as are especially amended by this Act, shall continue in force until the new rules shall come into operation.

Governor-in-Executive Committee to make rules.

Publication thereof.

Savings Bank Act.

Liability of managers and trustees.

39. No manager or trustee of the Bank shall be liable to make good any deficiency which may arise in the funds of the Bank, unless it shall happen by his wilful neglect or default; but the trustees and managers shall be personally responsible and liable for all moneys actually received by them on account of or to and for the use of the Bank, and not paid over or disposed of in the manner directed by this Act and the rules and regulations to be made in pursuance thereof.

Disputes between Bank and depositor may be settled by arbitration.

40. Any matter in dispute between the Bank, or any person acting under the same, and any depositor or person claiming under him, shall be referred to the arbitration of two persons, one to be chosen by the managers of the Bank and the other by the depositor or person claiming under him; and in case the arbitrators shall not agree, then the matter in dispute shall be referred to some other person to be chosen by the arbitrators as the umpire, and the decision and award of such arbitrators, or of such umpire as the case may be, shall be binding on all parties concerned to all intents and purposes whatsoever.

District Savings Banks.

Executive Committee may establish District Savings Banks.

41. The Governor-in-Executive Committee may from time to time, by order in Committee to be published three times in the Official Gazette, declare that a branch of the Savings Bank shall be opened at such place or places as the Governor-in-Executive Committee may from time to time think proper, and on the third publication of such order a District Savings Bank shall be deemed to be established at the place and under the name mentioned in such order.

Method of conducting business thereat.

42. The provisions of this Act relating to the principles and methods of conducting the business of the Savings Bank shall, so far as they are not inconsistent or inapplicable, be deemed and taken to apply to the conduct of the business of the District Savings Banks established, or intended to be established, by this Act; provided that the provision of section twelve that not less than one shilling shall be received from a depositor shall not apply to District Savings Banks.

Manager of District Savings Bank.

43. For each District Savings Bank the Governor shall appoint a manager who shall attend on every day that the District Savings Bank is opened for business. For each day's attendance the manager shall receive such sum, not exceeding five shillings, as may from time to time be fixed by the

Savings Bank Act.

Governor-in-Executive Committee, and all sums so allowed shall be paid from the surplus funds of the District Savings Bank of which he is manager.

44. On appointment to his office the manager shall give the bond of a guarantee society, to be approved by the Governor-in-Executive Committee, in the sum of one hundred pounds, for the due and faithful discharge of the duties of his office, and for the due and faithful accounting for all moneys which may come to his hands in the performance of his duties.

Bond to be given by manager of a District Savings Bank.

45. The ex officio managers of the principal Bank shall have the general control and direction of the business of the District Savings Banks, and of the respective managers thereof, and they are hereby empowered from time to time to make regulations as they shall think fit for the conduct of the business of the District Savings Banks, and, amongst other things as to them shall seem fit to provide for, the regulations shall provide for the following matters:—

Ex officio managers of the Savings Bank may make regulations for the government of the District Savings Banks.

(1) the days in each week, and the hours in each such day, during which the several District Savings Banks shall be opened for business :

(2) the conditions under which a depositor in a District Savings Bank may deposit or draw money at the principal Savings Bank, and vice versa :

(3) the mode of transmitting books, papers, and money between the District Savings Banks and the principal Savings Bank :

(4) the due inspection of the accounts of the District Savings Banks :

(5) the safe custody of books, papers, and money of the District Savings Banks :

(6) the limit of the amount of deposits, and the minimum sum on which interest shall be paid :

(7) the disposal of moneys which have been deposited with the local managers.

46. The ex officio managers may from time to time alter, amend, add to, or annul any such regulations, and all regulations, whether original or otherwise, shall be submitted to the Governor-in-Executive Committee for approval, and when approved, shall be published three times in the Official Gazette and thereafter shall have the force of law.

Regulations when made to be published in the Official Gazette

1890—12.

Savings Bank Act.

Duties of the
Actuary and the
Auditor General
in respect of the
District Savings
Banks.

47. So far as is practicable, and subject to the directions of the ex officio managers, the Actuary and the Auditor General shall perform the like duties in respect of the accounts of the District Savings Banks as are required of them respectively in respect of the principal Savings Bank, and the quarterly and yearly statements shall be drawn up so as to show the business done at the District Savings Banks.

1890—13.

An Act to consolidate and amend the Acts of this Island relating to the Auditing and Inspection of Public Accounts.

[6 September 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited for all purposes as the Audit Office Act, 1890.

Officers of the
Auditor General's department
and their
salaries.

2. (1) The Auditor General's department shall consist of the following officers at the respective salaries affixed thereto :—

an Auditor General,	at £500 per annum.
a chief clerk,	at £250 ,,
a second clerk,	at £150 ,,
a third clerk,	at £100 ,,
a fourth clerk,	at £ 75 ,,
a messenger,	at £ 20 ,,

Provided nevertheless that the holder of the office of Auditor General on the fourteenth day of August one thousand eight hundred and ninety six shall so long as he holds such office continue to receive his present salary of six hundred pounds a year.

The foregoing salaries shall be paid monthly from the Public Treasury on the warrant of the Governor-in-Executive Committee.

Appointment of
the officers of
the department.

(2) The officers of the Auditor General's department shall from time to time be appointed by the Governor, and they shall not be engaged or concerned in trade or other business, or in the exercise of any other occupation, calling, or profession, or hold any other office or appointment, or be interested in any contract, bargain, or engagement for the public service.

Audit Office Act.

(3) The Governor-in-Executive Committee may Regulations re-
 from time to time appoint the hours of attendance of the specting the de-
 several officers of the Auditor General's department; and partment
 may also from time to time make regulations in relation to
 the performance of the duties of the office.

(4) No officer of the Auditor General's department Officers of the
 shall be liable to serve on any jury or inquest, or on any ap- department
 praisement of property. exempt from
 serving as ju-
 rors &c.
 Office to be pro-
 vided

3. The Auditor General's department shall be provided with an office free of charge in the public buildings.

4. It shall be the duty of the Auditor General to exam- Auditor to ex-
 ine and ascertain the accuracy and correctness of all amine all ac-
 accounts and charges against the public before the same counts previous
 shall be presented for payment, and the better to enable him to payment and
 to perform this duty he shall be furnished with copies of all to see that they
 Acts and resolutions passed by the Legislature for grants of have been legal-
 money to be expended for the public service; and also with ly sanctioned.
 copies of all contracts entered into for the performance of
 any public work or undertaking, and for the supply of
 materials or other things required for the public service; and
 he shall see that the expenditure under such Acts, resolu-
 tions, or contracts is not suffered to be in excess of the sums
 therein mentioned until legal provision be made in relation
 thereto.

5. All persons having claims against the public for All persons hav-
 work or services, except in case of salaries and allowances ing claims
 of the nature of salaries specially provided for by statute, or against the pub-
 for materials or supplies of what kind soever, shall make out lic to deliver
 fair and particular accounts thereof and deliver the same their accounts to
 with all necessary vouchers to the Auditor General for the Auditor who
 examination, whose duty it shall be to see that all such as is to examine
 come within contracts are in strict agreement with the terms and certify them.
 of such contracts, and that the charges in respect of all
 others are reasonable and proper; and when any such account
 shall have been examined and found correct, or such proper
 alterations and corrections made therein as shall be requisite,
 it shall be certified by the Auditor General for payment.

6. It shall not be lawful for the Executive Committee to Executive Com-
 pass any accounts for payment unless such accounts shall have mittee not to
 first been examined by the Auditor General, and his certifi- pass any ac-
 cate and signature affixed thereto in proof of the correctness counts unless
 of the same. certified by the
 Auditor.

7. All licenses issued by the Colonial Treasurer after Forms to be ob-
 the passing of this Act, and for which money is required by served in the is-
 law to be taken, shall be made out on checked forms; and in sue of licenses.

Audit Office Act.

issuing every such license, the check shall be filled in with the number of the license in proper serial order, the date of issue, the name of the person to whom issued, with the parish or town in which he or she resides, and the amount paid for such license, and shall be signed by the Colonial Treasurer ; and every person to whom any such license shall be issued shall be instructed to take, and shall take, the same with the check attached to the office of the Auditor General, who shall detach, or caused to be detached, the check from such license and file the same in his office ; and no such license shall be of any force or validity until the requirements herein shall have been complied with, and any person presuming to act in contravention thereof shall be dealt with as altogether unlicensed.

Provision for the audit of the Treasurer's accounts.

8. Within fourteen days after the expiration of every month the Colonial Treasurer shall make up and send in to the Auditor General a fair statement of his accounts for the month with all necessary vouchers for expenditure ; and the Auditor General shall have free access to the books of the Colonial Treasurer and to all documents and papers in his possession, in connection with or relating to such accounts ; and also to the books, documents, and papers of the Customs, and may call for and inspect the same or any of them, as he shall see fit, in order to test the accuracy of such accounts ; and so soon as such accounts shall have been duly and satisfactorily settled with the Colonial Treasurer, the Auditor General shall certify the same under his hand, and he shall prepare a proper quarterly abstract of all such accounts to be certified by him and laid before the Legislature, with his report thereon.

Auditor General to audit the accounts of every officer or department required to submit his accounts for audit.

9. It shall be the duty of the Auditor General to audit the accounts of every public officer or department who or which is by law or by order of the Governor-in-Executive Committee required to submit such account to audit, and it shall be lawful for the Governor-in-Executive Committee from time to time to issue such orders and instructions to the Auditor General as shall seem to him to be necessary for his guidance and direction in the examination and settlement of the accounts of the several public officers of the Island, being public accountants, and it shall be the duty of the Colonial Secretary to lay a copy of all such orders and instructions before the House of Assembly at or before its second meeting after the issuing thereof ; and when any such order and instruction shall relate to or affect any public officer or department such public officer or department shall yield obedience thereto.

1890—13.

Audit Office Act.

10. All accounts, documents, and papers coming into the hands of the Auditor General under the provisions of this Act, with the proper books and papers of his office, shall be public property, and on the death, resignation, or removal of that officer shall be delivered forthwith to his successor or to such other person as the Governor may appoint to receive the same.

The Auditor's papers to be public documents.

1890—14.

An Act to regulate the appointment and duties of Land Surveyors, and the issue of Warrants to Survey Land in this Island.

[8 September 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited for all purposes as the Surveyors (Land) Act, 1890.

2. It shall be lawful for the Governor from time to time to issue licenses to persons qualified to act as Land Surveyors in this Island.

Governor may license persons as Land Surveyors.

3. No person shall be eligible for the appointment of a Land Surveyor unless he has worked for not less than a year with a licensed surveyor and produces a certificate thereof, and shall also produce sufficient testimonials of good character, and shall in addition thereto prove his competency for performing the duties of the office in the manner prescribed in any regulations in that behalf to be made as hereinafter provided: provided nevertheless that all persons holding office as Land Surveyors prior to the nineteenth day of January one thousand nine hundred and four shall continue to perform the duties thereof respectively, and shall be exempted from the test of competency and the other requirements of this section, but in all other respects shall be subject to the provisions of this Act; but nothing herein contained shall be so construed as to preclude any such Surveyors from claiming to be subjected to such test as is provided for in this Act; provided always that any member of the Surveyors' Institute, or any commissioned Officer or Surveyor of the civil staff of the corps of Royal Engineers, or any person producing a diploma of any recognised institution showing that he has satisfactorily passed an examination in land traverse and trigonometrical surveying, or any person holding and producing a certificate

No person to be licensed as a Land Surveyor unless he has worked for a year with a licensed Surveyor or &c. Exemption of existing Surveyors.

Persons qualified without examination &c.

Surveyors (Land) Act.

that he has been duly licensed as a Land Surveyor in any colony requiring as a condition of the granting of such certificate tests of equal value to those imposed under this section, and where by the law of such colony a similar privilege would be allowed to a Land Surveyor appointed in this Island after having passed the examination required by this Act, may upon satisfactory proof of identity be licensed to act as a Land Surveyor without further proof of fitness.

License may be cancelled for improper conduct.

4. In case any complaint in writing shall be made against any Surveyor of neglect of duty or improper conduct, the Governor shall cause such complaint to be investigated, and if he shall be satisfied on the evidence that such complaint is well founded he may cancel the license issued to such Surveyor.

Regulations as to

5. (1) Subject to the provisions of this Act, the Governor-in-Executive Committee may from time to time make regulations with respect to:—

the tests of competency to be used, and

(a) the tests to be employed to prove the competency of any person to perform the duties of a Land Surveyor before being appointed to the office; provided always that such tests shall include the actual surveying of some lands and surfaces, the manipulation of Surveyors' instruments, and such other practical tests of efficiency as may by the examiner or examiners be deemed desirable; and

all other matters under this Act. Proviso as to fees payable by candidates for examination.

(b) all other matters relating to the efficient carrying out of the provisions of this Act; provided that no candidate for a license as a Surveyor shall be required to pay a greater fee than two guineas for his examination; but if he fail to pass the examination at any time he shall still be liable to pay the fee on the examination in which he failed. Any expense for examination beyond the two guineas paid by the candidate not exceeding ten guineas for each examination shall be paid out of the Public Treasury on the order of the Governor-in-Executive Committee.

Amendment and annulment of regulations.

(2) Any regulations may be altered, amended, or annulled by a subsequent regulation. All such regulations, original or otherwise, shall be published in the Official Gazette and thereafter shall have the force of law.

List of persons qualified to act as Land Surveyors to be prepared and kept.

6. Immediately on the passing of this Act, the chief clerk of the Registration office shall prepare a list of all persons then entitled to practise as Land Surveyors in this Island, according to the dates upon which they respectively were admitted to practise. The list when prepared shall be entered in a suitable book of record to be kept in his office and to be called "The Land Surveyors' rolls." The name of

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every Land Surveyor thereafter admitted shall be at once entered by the chief clerk of the Registration office in the said rolls, together with the date of his admission ; and the names of all persons claiming to act as Land Surveyors as being members of the Surveyor's Institute, or as commissioned Officers or Surveyors of the civil staff of the corps of Royal Engineers, shall be added thereto on their producing certificates that they belong to that institute or to that corps, and the names of all persons producing diplomas of the kind mentioned in section three of this Act, or certificates from other colonies granted under the conditions described in the said section, shall also be added thereto.

7. (1) From and after the passing of this Act every person who shall be duly qualified to practise as a Land Surveyor in this Island, and shall desire to do so, shall in the month of January in every year cause his name to be entered by the chief clerk of the Registration office in the Land Surveyors' rolls, and shall obtain from such chief clerk a certificate of such registration on payment of a fee of ten shillings ; provided always that if any such person shall desire to have his name registered after the month of January shall have elapsed he shall pay a fee of twenty shillings for such entry and the certificate thereof ; provided also that if any such person shall allow an interval of two years to elapse from the time his name was last registered he shall pay a fee of three pounds, and if an interval of five years shall have been allowed to elapse, such person shall not then be entitled to registration except by special permission of the Governor and on payment of a fee of five pounds.

All Land Surveyors desiring to practise to register their names every year and obtain a certificate of registration.

(2) In case the Registrar shall refuse to make the entry or to issue the certificate as aforesaid the person aggrieved by such refusal, or his attorney or agent, may make application to the Chief Justice in chambers who shall make such order as may be just, and may also direct the costs of such application to be borne and paid by either party.

Appeal from the Registrar to the Chief Justice.

8. No person shall, under a penalty not exceeding fifty pounds to be recovered in a summary manner before a Police Magistrate on the complaint of any person and paid into the Public Treasury, practise or conduct any business whatsoever as a Land Surveyor in any year unless such person shall have first registered his name and taken out such certificate as required by this Act ; provided that every person who shall have been so registered and shall have obtained such certificate in any year shall be entitled to practise during the said year and also during the month of January in the ensuing year.

Penalty for practising as a Land Surveyor without obtaining a certificate of registration.

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Penalty for fraudulently returning a false survey of any property.

9. If any person who is now a qualified Surveyor, or licensed as a Surveyor under this Act, shall fraudulently return a false survey of any property surveyed by him, such Surveyor shall in addition to the withdrawal of his license be liable on conviction thereof before a Police Magistrate to a penalty not exceeding twenty five pounds, or in default of payment to imprisonment, with or without hard labour, for any period not exceeding four months.

Persons wishing to survey lands may claim a warrant from the Governor directed to such sworn Surveyor as they think fit.

10. All persons who shall have occasion to survey or lay out any lands or houses may as of right claim from the Governor a warrant for that purpose to be directed to any present qualified Surveyor, or any such licensed Surveyor as aforesaid, as the person so requiring the same shall think fit to nominate. All such warrants shall be given out and directed by the Colonial Secretary of this Island, and for each such warrant he shall be entitled to demand a fee of five shillings to be paid into the Public Treasury for the use of the Island.

Fee payable.

Notice of intended survey of land shall be given five days before any survey can be made.

11. (1) Upon any such warrant as is provided for in this Act being addressed to a present qualified Surveyor or licensed Surveyor as aforesaid, such Surveyor shall in no event enter for the purpose of surveying any lands or premises, not in the actual possession of the person who may employ him to make a survey, until five clear days after a written or printed notice as hereinafter is mentioned of his intention to do so shall have been served upon some person residing on or in possession of the lands or premises intended to be surveyed, and until after a similar notice shall have been so served as aforesaid upon some person residing on or in possession of any lands or premises immediately contiguous to or abutting upon any such lands intended to be surveyed.

(2) After such notices shall have been so served as aforesaid the Surveyor shall be authorized and empowered to enter upon such lands or premises for the purpose of surveying the same, and also to enter upon any said lands or premises immediately contiguous thereto or abutting thereon, so far as it may be necessary to make such entry in order to settle the boundaries of such lands and premises intended to be surveyed.

Mode of serving notices.

12. Any notice required to be served under the last preceding section of this Act shall be in the form in schedule A or B (as the case may require) to this Act, and the same may be given by personal service thereof upon the person entitled to receive the same, or by leaving the same at the residence of such person (if any) situate upon the

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land intended to be entered upon for the purpose of a survey, or contiguous thereto (as the case may be), or by sending such notice through the post in a prepaid letter addressed to such person at such residence (if any) situate as aforesaid.

13. When any notice as specified in the last preceding section of this Act shall have been sent by post, it shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of post. To prove the receipt of such notice, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Notice if sent by post shall be deemed to have been received.

14. If any Surveyor shall enter upon any lands or premises contrary to the provisions of this Act, he shall be liable for any such entry to a fine not exceeding ten pounds, to be recovered in a summary manner, on complaint by any person or persons aggrieved, before the Police Magistrate of the parish where the land or premises so entered upon shall be situate, and such fine shall be paid into the Public Treasury for the use of the Island.

Penalty on Surveyor for breach of the provisions of the Act.

SCHEDULE A.

Take notice. I do hereby notify to you that on the
day of 18 between
the hours of and it is my intention to enter
the land (or premises) situate in the parish of
and on which you are now residing
(or in the occupation of) for the purpose of making a survey
by virtue of a warrant dated the day of
18, and issued under the provisions
of the Surveyors (Land) Act, 1890.

Dated this day of 18

To

A. B.

C. D.

Land Surveyor.

SCHEDULE B.

Take notice. I do hereby notify to you that on the
day of 18 between

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the hours of and it is my intention to enter
certain lands and premises immediately contiguous to (or
abutting on) certain land and premises situate in the parish
of on which contiguous or
abutting lands you are now residing (or in possession of),
for the purpose of making a survey in virtue of a warrant
dated the day of 18 , and issued
under the provisions of the Surveyors (Land) Act, 1890.

Dated this day of 18

To

A. B

C. D.

Land Surveyor.

1890—15.

An Act to consolidate and amend the Acts relating to Merchants' Gunpowder.

[11 October 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Merchants' Gunpowder Act, 1890.

Interpretation.

Interpretation
of terms.

2. In this Act gunpowder shall mean and include blasting powder, gun cotton, dynamite, nitro-glycerine, and all other explosive matter whatsoever; and magazine shall mean and include as well such magazine or place on shore, or hulk or vessel at sea, as may from time to time be provided and set apart by the Government for the storage of gunpowder (hereinafter called "public magazine"), as such building or place as may in any special case be approved of by the Government for storing gunpowder in that particular instance.

Prohibition of manufacture &c of explosives.

Governor-in-Executive Committee empowered to prohibit or restrict the manu-

3. The Governor-in-Executive Committee may from time to time by an order in Executive Committee either prohibit absolutely, or may subject to conditions or restrictions, the manufacture, keeping, importation, conveyance,

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and sale, or any of them of any explosive which is of so dangerous a character that in the judgment of the Governor-in-Executive Committee it is expedient for the public safety to make such order. facture &c., of specially dangerous explosives.

4. Every person violating such order shall on conviction thereof before a Police Magistrate, on the complaint of any person, be liable to a penalty not exceeding one hundred pounds, or to a term of imprisonment with hard labour not exceeding twelve months, and such explosive shall be forfeited and dealt with in such a manner as the Governor-in-Executive Committee may direct. Penalty for violating orders under last section.

Magazine.

5. All gunpowder not being the property of the Imperial Government which is imported into this Island or which is now in the Island shall, except such as is mentioned in sections fourteen and fifteen of this Act, be stored in a magazine. Gunpowder to be stored in a magazine.

Powder at owner's risk.

6. All gunpowder shall be stored in a public magazine at the risk of the owner, unless fault or negligence shall be proved against any person employed by the Government. Gunpowder to be stored at owner's risk.

Powder may be removed from magazine.

7. It shall be lawful for the Governor to order the immediate removal from any public magazine and disposal, in any way he may think fit, of any gunpowder which having been received may subsequently be considered by him to endanger the safety of such magazine, and no compensation shall be paid to the owner for any loss sustained. Governor may order removal of gunpowder.

Keeper of public magazine.

8. The Governor shall appoint a keeper of the public magazine who shall receive a salary of thirty six pounds per annum, and shall also appoint such porters as shall appear necessary to the Governor-in-Executive Committee; provided that the total sum expended in any year under this section shall not exceed one hundred and seventy five pounds; and provided also that any person appointed under this section shall be subject to dismissal after one month's previous notice. Appointment of keeper of magazine and porters.

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Keeper of magazine to give bond with sureties.

9. The keeper of the public magazine shall enter into such bond as shall be required by the Governor-in-Executive Committee, and the sureties to such bond shall be approved by the Governor-in-Executive Committee; and if any hulk or vessel is set apart as a public magazine the same shall be under the charge and care of the Harbour and Shipping Master.

Landing and conveyance.

Landing of gunpowder in quantities exceeding 50 lbs.

10. It shall not be lawful to land gunpowder in larger quantities at one time than fifty pounds in weight, unless powder-carts (properly equipped as specified in section eleven of this Act) are in attendance for its transport from the landing place.

Regulations to be observed when powder is being conveyed after landing.

11. Every package of gunpowder landed, if not conveyed in a powder-cart, shall, whilst it is being conveyed to its destination, be covered with a blanket, rug, or other suitable material, and the persons carrying it shall carry conspicuously a red flag of not less than eighteen inches square, and every powder-cart employed in conveying gunpowder shall be equipped with a quantity of blankets, rugs, or other suitable material sufficient to cover the packages of gunpowder when in the powder-cart, and with a red flag of not less than eighteen inches square to be fixed in a conspicuous position in the powder-cart, or carried in the driver's hand, so long as the powder-cart is employed in the transport of gunpowder within the limits of the city of Bridgetown, Saint Ann's garrison, or within one quarter of a mile of Saint Ann's garrison or within the limits of Speightstown. Every person removing from the place of landing any package of gunpowder and conveying it without its being covered as aforesaid, or without carrying the red flag as aforesaid, shall be liable to a penalty not exceeding five pounds, and the owner or driver of any powder-cart which, while employed in the transport of gunpowder, is not equipped as specified in this section, shall be liable respectively to a penalty not exceeding five pounds.

Rules for shipment.

Rules to be made by Governor-in-Executive Committee for shipment of gunpowder.

12. It shall be lawful for the Governor-in-Executive Committee to make such rules and regulations as may be necessary for the better carrying out of the shipment when necessary of gunpowder from the public wharf; and such rules and regulations shall be published three times in the Official Gazette and a printed copy thereof exposed in a

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conspicuous place at the Commercial Hall and the Public Buildings and the various police guard-houses in Bridgetown, and thereafter such rules and regulations shall have the force of law, the same as if they were incorporated in this Act; and the penalty for any breach of the said rules and regulations or any of them shall be a sum not exceeding twenty five pounds.

Penalty for breach of rules.

Place for landing or shipping.

13. Any person landing or shipping, or causing to be landed or shipped, or attempting to land or ship, gunpowder at any place except at a place appointed for that purpose by or under the provisions of this Act, shall be liable to a penalty not exceeding twenty five pounds.

Person landing or shipping gunpowder at unauthorized place liable to penalty of £25.

Quantity kept in a store.

14. It shall be lawful for every dealer in gunpowder to keep in any shop, store, or warehouse, for sale any quantity of gunpowder not exceeding fifty pounds in weight; provided that not exceeding twenty five pounds thereof, to be blasting powder, may be kept in one keg, and not exceeding twenty five pounds (the remainder thereof), which may be either blasting or sporting powder, or both, be kept in tin canisters, each canister to contain not more than one pound in weight of gunpowder.

Quantity of gunpowder which may be kept by dealer.

Proviso.

Quantity kept in house.

15. It shall be lawful for any householder to keep gunpowder in any building belonging to him subject to the following conditions:—

Quantity of gunpowder which may be kept by householder in Bridgetown or Speightstown.

- (i) if such building is in Bridgetown, or within half a mile of the limits thereof, or within Speightstown, he shall not keep therein more than two pounds in weight at any one time; and
- (ii) if such building is not within the above mentioned limits he shall not keep therein more than twenty five pounds of blasting powder and five pounds of any other explosive.

Penalty.

16. Any person who shall infringe either of the two last preceding sections shall for every such offence be liable to a penalty not exceeding twenty five pounds.

Penalty.

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Search warrant.

Procedure to be adopted in cases of excess quantities of gunpowder kept in store or house.

17. On information on oath being given before the Police Magistrate of the district in which the offence may be committed by any police officer or other person that such police officer or other person has good cause to suspect that a larger quantity of gunpowder than is allowed by this Act is kept in any place, it shall be lawful for such Police Magistrate to grant a search warrant to search for such gunpowder, which search warrant shall be executed under the direction of a sergeant, corporal, or other superior officer of police, between the hours of seven o'clock in the morning and five in the afternoon, and all gunpowder which shall be discovered to be so illegally kept as aforesaid shall be forfeited and sold under the order of any such Police Magistrate, and the proceeds thereof paid into the Public Treasury for the uses of the colony.

Red flag on powder barge.

Powder barge to carry a red flag.

18 Every boat, barge, or other vessel employed for the landing, transport, or shipment of gunpowder (hereinafter called a powder barge) shall, whilst employed as aforesaid, carry a red flag not less than eighteen inches square, hoisted on a pole not less than six feet in height above the gunwale of such powder barge; and the owner of any powder barge which, whilst employed in the landing, transport, or shipment of gunpowder, is not equipped in the manner specified in this section, shall be liable to a penalty not exceeding ten pounds.

No fire or light on barge.

Fire or light not allowed on powder barge.

19. It shall not be lawful to have any fire or light of any description on board of any powder barge whilst employed in the landing, transport, or shipment of gunpowder, and the person in charge of any powder barge, so employed as aforesaid, on board of which shall be found any fire or light, shall be liable to a penalty not exceeding ten pounds, or on a second or other subsequent offence, and in the discretion of the Magistrate, to imprisonment, with or without hard labour, for a period not exceeding three months.

Penalty.

Red flag on vessel loading, &c.

Vessel loading or discharging gunpowder to fly a red flag.

20 Every ship or other vessel loading or discharging gunpowder shall, whilst so employed in loading or discharging as aforesaid, carry flying at her mast head a red flag not

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less than seventy two inches square ; and the master or other person for the time being in charge of any such ship or vessel which, whilst so employed as aforesaid, shall not comply with the requirements of this section, shall be liable for every such offence to a penalty not exceeding ten pounds.

No fire or light on such vessel.

21. It shall not be lawful to have any fire or light of any description on board of any ship or vessel employed in loading or discharging gunpowder, except in the case of steamers which may use their engine fires, and the master or other person for the time being in charge of any vessel while so employed as aforesaid on board of which shall be found any fire or light, except as aforesaid, shall be liable to a penalty not exceeding fifty pounds.

Fire or light not allowed on board such vessel.

No matches or smoking.

22. Any person carrying lucifer or other matches whilst employed in the landing, shipment, loading, discharging, storage, transport, or issue of gunpowder, shall be liable to a penalty not exceeding twenty five pounds, and every person found smoking or with a naked light in his possession, whilst employed as aforesaid, shall on conviction before a Police Magistrate be liable to imprisonment for a period not exceeding six months.

Penalty on persons having matches or naked light, or smoking whilst employed in landing &c., gunpowder.

Rules and regulations.

23 The Governor-in-Executive Committee shall when and as often as is necessary make, and may when made revoke alter or amend, rules and regulations—

Rules to be made &c., by Governor-in-Executive Committee.

- (i) for determining the times and manner in which gunpowder shall be placed in or removed from a magazine :
- (ii) for determining the duties to be performed by any keeper or other officer appointed under section eight of this Act :
- (iii) for prescribing the precautions to be observed in placing gunpowder in or storing it in or removing it from a magazine or when in transit thereto or therefrom :
- (iv) for appointing the places at which gunpowder may be landed in this Island :

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- (v) for fixing the amount and time and mode of payment of fees to be paid for the storage of gunpowder in a public magazine :
- (vi) for determining the nature and extent of the information to be furnished the Government by any person making, manufacturing, or keeping in or importing into this Island, any gunpowder.

Rules to be published three times in Official Gazette.

24. All such rules and regulations, and revocations, alterations, and amendments of regulations, shall on being published three times in the Official Gazette be as valid and effectual as if inserted in this Act.

Penalties.

General penalty section.

25. Every person violating any of the provisions of this Act, or any rule or regulation thereunder, for the violation of which no penalty is expressly provided, shall on conviction thereof be liable for every such offence to a penalty not exceeding ten pounds.

Recovery and disposition of penalties.

26. All penalties incurred under any rule or regulation, or under this Act, shall be recoverable in a summary manner before any Police Magistrate on the prosecution of the keeper of the public magazine or any officer of the land or harbour police, and all money penalties shall be payable into the Public Treasury for the use of the colony.

Fees.

Fees to be paid to and expenses paid from the Public Treasury.

27. All fees collected under this Act shall be paid into the Treasury for the use of the Public, and all expenses required to be undertaken for the due carrying out of the provisions of this Act shall be paid in the usual manner from the Treasury.

Police aid.

Inspector General shall afford police aid where required.

28. The Inspector General of Police shall, on application in writing from the keeper of the public magazine, place at the keeper's disposal the services of one or more police officers for the purpose of keeping order during the landing, delivery, issue, or shipment of gunpowder, and of enforcing the due observance of this Act and of all rules and regulations made under it.

1890—16.

Reformatory and Industrial School Act.

1890—16.

An Act to consolidate the Acts relating to the Reformatory and Industrial School.

[28 October 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the Reformatory and Industrial School Act, 1890.

2. In this Act unless the context otherwise requires—
the term “school” shall mean the reformatory and industrial school established under the provisions of this Act; and

the term “Magistrate” shall mean Police Magistrate having jurisdiction in the place where the matter requiring the cognizance of a Magistrate arises.

The school and its officers.

3. The plantation called “Dodds” situate in the parish of Saint Philip together with all buildings now standing or being erected thereon and all the appurtenances thereof are hereby vested in the Executive Committee.

4. The school established by the Executive Committee on the said plantation for the instruction and training, and for the employment in agricultural work, of such boys as are hereinafter in this Act specified shall be kept up by the Executive Committee, and shall be called and known by the name of the Government Industrial School.

5. It shall be lawful for the Governor-in-Executive Committee by proclamation to authorize and cause any land or building they may think fit to be used as a reformatory and industrial school, and any land or building so authorized to be so used shall be subject to the provisions of this Act, and the provisions of this Act shall take effect in all respects as if such land or building were included in the term “school,” defined in section two of this Act.

6. The Executive Committee shall erect on the said plantation all such buildings as are required for any school thereon for the purposes mentioned in the last preceding section of this Act.

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Committee to make alterations and repairs. 7. The Executive Committee shall, when and so often as is necessary, make all such alterations or repairs as may be requisite in all buildings erected on the said plantation.

To provide furniture and implements, &c. for agricultural work. Proviso not to expend more than £200 a year unless authorized. 8. The Executive Committee shall provide for the school all such furniture as is requisite, and also provide all such implements utensils and things as are required for the agricultural work in which the boys sent to the school are employed; provided, always that nothing in this or the preceding section contained shall be held to empower the Executive Committee to expend any sum or sums of money for the purposes mentioned in those sections exceeding two hundred pounds in any one year unless authorized by special vote on the estimates.

Governor to appoint officers. 9. The Governor shall, when and so often as is necessary, appoint the several officers next hereinafter mentioned at the several annual salaries hereinafter specified, (that is to say);

Salaries.	a superintendent, at an annual salary of.....	£ 250
	a chief officer and steward, at an annual salary of	£ 100
	a chaplain, at an annual salary of.....	£ 30
	a schoolmaster, at an annual salary of	£ 75
	a medical officer, at an annual salary of.....	£ 50
	a matron, at an annual salary of.....	£ 30

Salaries shall not exceed £800 a year. and such other officers as the Governor may from time to time appoint; provided always that the sum to be expended under this section in any one year shall not exceed eight hundred pounds; and the several officers when appointed during pleasure. shall all hold their offices during the Governor's pleasure.

Salaries paid from Public Treasury. 10. The several salaries specified in the last preceding section of this Act shall be paid out of the Public Treasury on the warrant of the Governor-in-Executive Committee by equal monthly instalments.

Superintendent (subject to approval) to employ waterman and other servants. 11. The superintendent of the school shall, subject to the approval of the Executive Committee, employ such watchmen as are necessary, and also such persons as may from time to time be required to perform any agricultural work on the said plantation which the boys of the school are unable to perform.

Superintendent to determine wages. 12. The superintendent of the school shall, subject to the approval of the Executive Committee, determine the rate of wages to be paid to the servants and persons employed in accordance with the last preceding section of this Act.

Reformatory and Industrial School Act.

13. The Inspector of Prisons shall be the official visitor of the school and shall visit at least once in every three months.

Inspector of Prisons official visitor.

14. Every officer of the school, who is in charge of any boy sent to the school under this Act for the purpose of conveying him to or from the school or of bringing him back to the school in case of his escape or refusal to return, shall for such purpose, and while engaged in such duty, have all such powers, authorities, protection, and privileges, for the purpose of the execution of his duty as an officer of the school as any duly appointed constable has by common law, Act of the Island, or custom, within the parish for which he is appointed.

Officer conveying any boy has power, &c., of a constable.

Rules and regulations.

15. The Governor-in-Executive Committee shall, when and so often as is necessary, make rules and regulations for all or any of the following purposes, (that is to say);

Governor-in-Executive Committee to make rules.

- (1) for determining the duties to be performed by the several officers mentioned in section nine of this Act and by the Inspector of Prisons as official visitor of the school :
- (2) for the proper classification of the inmates of the school :
- (3) for the training, education, and moral and religious instruction, for the employment in agricultural work, and for the apprenticeship of the boys sent to the school ; and
- (4) for maintaining proper discipline in and for the proper conduct and management of the school.

Purposes for which made.

16. The Governor-in-Executive Committee may make rules and regulations for the establishment of the mark system at the reformatory and industrial school, and for rewarding by means of good conduct badges, prizes and small money payments, those boys who earn the requisite number of marks, and for punishing by means of withdrawal of privileges, or by requiring the performance of additional work, those boys who through misconduct obtain bad marks.

A system of marks and of rewards to be established.

17. The Governor-in-Executive Committee may, when and so often as is necessary, revoke or alter any rules or regulations made under the two last preceding sections of this Act.

Governor-in-Executive Committee to revoke or alter rules.

Reformatory and Industrial School Act.

Rules published in Official Gazette and to become law.

18. All rules and regulations and revocations and alterations of rules or regulations made under the three last preceding sections of this Act shall be three times published in the Official Gazette, and when so published shall become law and be binding on all persons affected thereby.

Classes of boys sent to the school.

Court or Magistrate may sentence boy under 16 to be sent to the school.

19. Whenever any boy, who, in the judgment of the court or Magistrate before whom he is charged, is under the age of sixteen years, is convicted on indictment or in a summary manner of an offence punishable with penal servitude or imprisonment, in lieu of or in addition to any other punishment to which he may be subject, the court or Magistrate may sentence him to be sent to the school and there detained for a period of not less than two years and not more than five years having regard to his age at the date of his conviction; provided always that a boy under the age of ten years shall not be so directed to be sent to the school under the provisions of this section, unless he has been previously charged with some crime or offence punishable with penal servitude or imprisonment, or is sentenced by the Chief Justice.

Proviso.

Boy under 16 coming within descriptions named may be brought before Magistrate.

20. Any person may bring before a Magistrate any boy apparently under the age of sixteen years that comes within any of the following descriptions, namely;

that is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms;

that is found wandering and not having any home or settled place of abode or proper guardianship or visible means of subsistence;

that is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;

that frequents the company of known thieves;

that is lodging, living, or residing with common prostitutes, or in a house resided in or frequented by prostitutes for the purpose of prostitution;

that frequents the company of common prostitutes;

Magistrate may after inquiry order boy to the school.

and the Magistrate before whom a boy is brought as coming within one of those descriptions, if satisfied on enquiry of that fact, and that it is expedient to deal with him under this Act, may order him to be sent to the school; provided

Reformatory and Industrial School Act.

that if for the first offence the parent or guardian of such child shall appear before the said Magistrate and claim the child, such child shall be delivered up to such parent or guardian on such parent or guardian undertaking in writing to be responsible for the good behaviour of such child for the period of twelve months from the day of the date thereof.

21. Where a boy apparently under the age of sixteen years is charged before a Magistrate with an offence punishable by imprisonment or a less punishment, and the boy ought, in the opinion of the Magistrate (regard being had to his age and to the circumstances of the case), to be dealt with under this Act, the Magistrate may order him to be sent to the school.

Circumstances under which Magistrate may order boy to be sent to the school.

22. Where the guardians of the poor of any parish represent to a Magistrate that any boy apparently under the age of sixteen years maintained in the almshouse of the parish is refractory, or is the child of parents either of whom has been convicted of a crime or offence punishable with penal servitude or imprisonment, and that it is desirable that he be sent to the school, the Magistrate may, if satisfied that it is expedient to deal with the boy under this Act, order him to be sent to the school.

Magistrate may on representation of guardians of poor order any boy to be sent to the school.

Removal to the school of boys to be there detained.

23. The keeper or other person in charge of any prison, having in his custody any boy sentenced under section nineteen of this Act to be sent to the school, shall at the appointed time deliver such boy into the custody of the superintendent or other person in charge of the school together with the warrant or other document in pursuance of which such boy was imprisoned and is sent to the school.

Boy sentenced under section 19 to be delivered with warrant to superintendent or person in charge of school.

24. Any order of a Magistrate under this Act sending a boy to the school shall be in writing signed by the Magistrate, and shall specify the time for which the boy is to be detained in the school, being such time as to the Magistrate seems proper for the teaching and training of the boy, but not in any case extending beyond the time when the boy will attain the age of sixteen years.

Order of Magistrate specifying period of detention to be in writing and signed.

25. Every such order as mentioned in the last preceding section of this Act shall when made be forwarded to the superintendent or other person in charge of the school together with the boy to whom such order relates.

Order to be forwarded to superintendent with boy.

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Governor-in-Executive Committee to make arrangements.

26. The Governor-in-Executive Committee shall from time to time make such arrangements as may be necessary for carrying out the provisions of sections twenty three and twenty five of this Act.

Possession of warrant or order sufficient.

27. The possession of any such warrant or order as is mentioned in sections twenty three and twenty four of this Act shall be a sufficient authority for the conveyance to and detention in the school of the boy to whom such warrant or order relates.

License to live out of school and apprenticeship.

Superintendent with approval of Governor-in-Executive Committee to license boy to live with trustworthy person.

28. The superintendent of the school may, at any time after the expiration of eighteen months of the period of detention allotted to a boy and with the approval of the Governor-in-Executive Committee, by license under his hand permit such boy to live with any trustworthy and respectable person named in the license, who is willing to receive and take charge of him; and may in such license with such approval as aforesaid insert any such conditions as he thinks fit as to the employment of the boy to whom such license relates.

License not to be for more than 3 months but may be renewed.

29. Any license granted under the preceding section of this Act shall not be in force more than three months, but may at any time before the expiration of such three months be renewed (with the approval of the Governor-in-Executive Committee) for a further period not exceeding three months, to commence from the expiration of the previous period of three months and so from time to time until the period of detention of the boy to whom such license relates has expired.

Superintendent with approval of Governor-in-Executive Committee may revoke license.

30. Any license granted or renewed under section twenty eight or twenty nine of this Act may, with the approval of the Governor-in-Executive Committee, be revoked by the superintendent of the school by writing under his hand at any time before the expiration of the period for which the same would otherwise remain in force, and thereupon the boy to whom the license related may be required by the superintendent by writing under his hand to return to the school.

Period of license counted as part of detention at the school.

31. The time during which a boy is absent from the school in pursuance of a license granted or renewed under section twenty eight or twenty nine of this Act, shall (except where such license has been forfeited by his misconduct)

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be deemed to be part of the time of his detention in the school and at the expiration of the time fixed by his license or renewed license he shall be taken back to the school.

32. Any boy escaping from the person with whom he is placed in pursuance of section twenty eight or refusing to return to the school at the expiration of the time fixed by his license or renewed license, or when required to do so on the revocation of his license, shall be liable to the same penalty as if he had escaped from the school itself.

Penalty on escaping : from : person with whom placed or refusing to return to school.

33. The superintendent of the school with the approval of the Governor-in-Executive Committee may at any time after a boy has been placed out on license as aforesaid, if he conducts himself well during his absence from the school, bind him, with his own consent, apprentice to any trade, calling, or service, notwithstanding that his period of detention has not expired and every such binding shall be valid and effectual to all intents.

Power of superintendent with approval of Governor-in-Executive Committee to apprentice boy to any trade,

34. The superintendent of the school at any time after the expiration of eighteen months of the period of detention allotted to a boy, may, with the approval of the Governor-in-Executive Committee and with the consent of the said boy, and with or without the consent of his parent, by indenture under hand and seal, bind the said boy to perform such work, labour, or service for such person either to the sea merchant service on a British ship, or in such British colony or possession, on such terms and subject to such conditions as are respectively named and specified in the said indenture, for any period not exceeding three years determinable as hereinafter in this Act mentioned.

or to sea service, or service in British Colony.

35. Every indenture entered into under this Act shall, after approval of its terms by the Governor-in-Executive Committee, be executed by the superintendent of the school by the boy to whom it relates, and by the owner of the ship or his agent or the person such boy agrees to serve, as the case may be ; and shall contain provisions to the following effect, viz.,

Provisions which every indenture shall contain.

(1) a provision binding the boy to do and render the work, labour, and services of the nature and extent therein described ;

(2) a provision binding his employer to pay him after the expiration of such period, not exceeding six months as may be agreed on, the rate of remuneration or wages therein specified and also to supply him free of charge with food, lodging, and, except in the case of an indenture of

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apprenticeship to the sea service, with clothing and with medical aid and medicine whenever necessary ;

(3) an agreement (except in the case of an indenture of apprenticeship to the sea service) that (so far as the object can be effected by agreement between the parties) the indenture shall be enforceable and proceedings may be taken in respect of any breach thereof in the magisterial or petty debt courts of the district of the colony to which the boy is going ; provided always that the court to which any complaint is made by either party to such indenture may in lieu of enforcing the same terminate the contract on such terms as it thinks best ;

(4) a provision binding the employer to furnish the superintendent of the school with any information as to the condition of the boy which may be asked for by the superintendent in person or by letter, and to permit the superintendent, and also in the case of a ship the Harbour and Shipping Master of the port of Barbados, or any person authorised in writing by them or either of them, to visit the boy at any time during the day on giving the employer twenty-four hours, previous notice of the intended visit ; or in the case of a ship at any time without previous notice ;

(5) a statement of the duration of the contract ;

(6) a provision enabling the Governor-in-Executive Committee at any time and without notice to cancel the said indenture and terminate the service under the same ;

(7) such further or other provisions not contrary to this Act as may be required or approved by the Governor-in-Executive Committee.

Period passed
under indenture
deemed part of
term of deten-
tion at school.

36. The time during which a boy is absent from the school under an indenture made under this Act shall (except where such an indenture has been terminated owing to his misconduct) be deemed to be part of the time of his detention in the school, and at the expiration of the time for which such indenture is made he shall, if his term of detention has not expired, be taken back to the school ; provided that no boy shall be detained beyond the age of twenty one years.

Punishment of
boys under in-
denture found
in Barbados be-
fore the end of
term.

37. If any boy indentured under section thirty four of this Act is found in Barbados without lawful excuse before the expiration of the term of his indenture he shall be deemed to have escaped from the school and be liable to the same penalty as if he had so escaped.

Reformatory and Industrial School Act.

38. All sums needed for the outfit of any boys emigrating or indentured to the sea service under this Act, and any sums needed for any necessary payment to owners of ships or other expenses incidental to the apprenticeship of boys to the sea service, which may be approved by the Governor-in-Executive Committee, shall be furnished out of the sums voted on the annual estimates for the upkeep of the school.

Expenses of outfit under this Act.

Offences in relation to the school.

39. If any boy detained in the school wilfully neglects or wilfully refuses to conform to the rules thereof he may for every such offence be ordered by the superintendent to be whipped with a birch or tamarind rod or suitable cane, the punishment not to exceed twelve stripes in the case of a boy whose age does not exceed sixteen years, and twenty four stripes in the case of a boy whose age exceeds sixteen, or to be kept in solitary confinement for such period not exceeding five days as the Governor-in-Executive Committee may by any regulation determine; such period of confinement shall not be computed as part of the boy's time of detention. But no such order shall be carried out unless approved of by the Governor, who shall have power to alter, vary, or annul the superintendent's order; provided always that for maintaining discipline during school hours the schoolmaster may with the approval of the superintendent inflict not more than six stripes with a cane or slender rod; and provided also that any boy ordered by the superintendent to be punished may be kept separate from the other boys until the Governor's will in the matter is communicated to the superintendent.

Neglecting or refusing to conform to the rules of the school.

40. If any boy sentenced or ordered to be detained in the school escapes therefrom, he may at any time before the expiration of his period of detention be apprehended without warrant, and if the superintendent of the school think fit, but not otherwise, may (any other Act to the contrary notwithstanding) be then brought before the Magistrate of the parish in which he is found or of the parish in which the school is situate; and he shall thereupon be liable on summary conviction to be whipped, not exceeding twelve stripes in the case of a boy whose age does not exceed sixteen, and twenty four stripes in the case of a boy whose age exceeds sixteen, with a rod, and he shall be brought back to the school there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping.

Power to apprehend boy escaping from school.

Punishment for escaping.

Reformatory and Industrial School Act.

Offences against this Act.

41. Any person who commits any of the following offences (that is to say):—

(1) knowingly assists, directly or indirectly, a boy detained in the school to escape therefrom;

(2) directly or indirectly induces such boy to escape from the school;

(3) knowingly harbours, conceals, or prevents from returning to the school or assists in harbouring, concealing or preventing from returning to the school any boy who has escaped therefrom,

shall on summary conviction before a Magistrate be liable to a penalty not exceeding five pounds, or at the discretion of the Magistrate to be imprisoned, with or without hard labour, for any term not exceeding two months.

Discharge of boys from the school.

After 16 boy not to be detained without his consent in writing.

42. A boy who has been sent to the school under section twenty, twenty one or twenty two of this Act, shall not after he has attained the age of sixteen years be detained in the school except with his own consent in writing.

Governor may order discharges unconditionally or on terms.

43. The Governor may at any time order any boy to be discharged from the school either unconditionally or on terms to be stated in the order for his discharge.

Expenses and earnings of the school.

Payment to be made under section 22 fixed at one shilling per week.

44. The guardians of the poor of any parish from which a child is sent to the school under section twenty two of this Act shall pay to the superintendent on the first day of each month a sum equal to the rate of one shilling per week for the maintenance of such child at the school during the preceding month.

Parent or step-parent liable for maintenance.

45. The parent or step-parent or other person legally liable to maintain any boy detained in the school shall, if of sufficient ability, contribute to his support and maintenance therein a sum not exceeding two shillings per week, and in determining the legal liability of any such parent or step-parent or other person under this section, common reputation as to the relationship existing between such persons and the boy shall be sufficient.

Reformatory and Industrial School Act.

46. On the complaint of the Superintendent of the school or of any police officer at any time during the continuance of any boy in the school the Magistrate having jurisdiction at the place where the parent, step-parent, or other person liable to maintain such boy resides, may, on summons to the parent or step-parent or other person liable as aforesaid, examine into his or her ability and may, if he think fit, make an order on him or her for the payment to the Superintendent of the school, or to any agent appointed by him in writing, of such weekly sum not exceeding two shillings per week, as to him seems reasonable during the whole or any part of the period for which the boy is liable to be detained in the school, and in default of payment the same shall be recovered by the Superintendent in a summary manner. The expression Superintendent, or Superintendent of the school, in this section and in section forty eight, shall be deemed to mean and include any agent authorized by him in writing.

On complaint Magistrate to inquire into ability to maintain.

Order to maintain not to exceed 2/- per week.

47. Every such order as is mentioned in the last preceding section of this Act may specify the time during which the payment is to be made, or maybe until further order.

Order may specify time of payment.

48. Any Magistrate having jurisdiction to make such order as is mentioned in sections forty six and forty seven of this Act may, from time to time, vary the same as circumstances require on the application either of the person on whom the order is made or of the Superintendent of the school, on fourteen days notice of such application being first given to the Superintendent of the school or to such person as the case may be.

Magistrate may vary order.

49. The Governor may in his discretion remit all or any part of any payment ordered to be made under section forty six of this Act.

Governor may remit payment or part.

50. All sums of money received by the Superintendent of the school under orders made in accordance with section forty six of this Act, and all sums of money realized by the sale of the produce of the lands of the said plantation, shall be paid at the end of each month into the Public Treasury to the credit of the general revenue.

Moneys under orders &c., paid into Treasury.

51. The accounts of the school shall at all times be open to the inspection of the Auditor General, who is hereby required to audit the same annually.

Accounts to be audited.

Conditional pardons.

52. Where before or after the passing of this Act a boy Governor may

Reformatory and Industrial School Act.

commute any sentence by or-
dering boy to be
sent to the
school. has been or is sentenced to penal servitude or imprisonment, and such boy is pardoned by the Governor on condition of his going to the school, the Governor may direct him if under the age of sixteen years to be sent to the school, and thereupon such boy shall be deemed to be subject to all the provisions of this Act as if he had been originally sentenced to detention in the school.

Exemption from attending school.

Boys after pass-
ing an examina-
tion of standard
four need not at-
tend school. 53. After any boy has passed an examination of the fourth standard prescribed by the rules and regulations for public elementary schools such boy may be employed at work during school hours in lieu of attending school.

Legal proceedings and evidence.

Offences &c.,
how prosecuted
&c. 54. The Acts for the time being in force relating to proceedings before Police Magistrates in cases within their summary jurisdiction shall apply to all offences, payments, and orders in respect of which jurisdiction is given to a Magistrate by this Act or which are directed to be prosecuted, enforced, or made in a summary manner or upon summary conviction.

Production of
order &c., to be
sufficient evi-
dence in respect
of boys sent to
the school. 55. The production of the order, warrant, or other document by or in pursuance of which a boy is directed to be sent to the school, with a statement endorsed thereon or annexed thereto purporting to be signed by the Superintendent or other person in charge of the school, to the effect that the offender therein named was duly received into and is at the date of the signing thereof detained in the school, or has been otherwise dealt with according to law, shall in all proceedings relating to such boy be evidence of the identity of, and of the due making of the order for the detention of and of the subsequent detention of, the boy named in the order warrant or other document so produced.

Proceedings un-
der Act to be in
writing and de-
positions signed. 56. In all proceedings taken before a Police Magistrate under this Act, such proceedings and evidence shall be taken in writing, and the deposition of the witnesses shall be read over to and signed by them.

Copy of rules
signed by Coloni-
al Secretary to be
evidence in all
legal proceed-
ings. 57. A copy of the rules and regulations of the school purporting to be made in Executive Committee and to be signed by the Colonial Secretary shall be evidence of such rules and regulations in all legal proceedings whatever.

1890—17.

Education Act.

1890—17.

An Act to consolidate the Acts relating to Education.

[28 October 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. This Act may be cited as the Education Act, 1890. Short title.

PART I.

THE BOARD AND ITS OFFICERS.

The Board.

2. (1) For the purposes of this Act a board to be called the Education Board shall be and the same is hereby established, and the said board shall be composed of a president and eight other persons to be nominated from time to time by the Governor, of whom two at least shall be members of the Legislative Council, and five at least members of the General Assembly ; provided always that the members so appointed from the General Assembly shall continue to be members of the board in each subsequent session if returned to serve therein, and shall also continue to act as members of the board after the expiration or dissolution and during the prorogation of the General Assembly, without its becoming necessary to make new appointments for the time being.

Composition of
Education
Board.

(2.) Should any member of the board decline to act, or unless absent on leave from the Colony absent himself without sufficient excuse from three successive meetings of the board, the president of the board shall notify the same to the Governor who shall thereupon appoint some fit person to fill the vacancy thereby created.

Quorum.

3. Any four members of the Education Board shall be Quorum. sufficient to form a board.

The Officers.

4. (1) The Education Board are hereby authorized and empowered, from time to time as may be necessary, to appoint the following officers who shall be paid the salaries hereinafter specified monthly on the warrant of the Governor-in-Executive Committee, namely ;

Appointment
and salaries of
officers.

An Inspector	£350	per annum
An Assistant Inspector...	£250	" "
An Inspector's Assistant...	£150	" "
A Secretary.....	£200	" "

Education Act.

Provided that the persons holding the offices of Inspector and Assistant Inspector on the fourteenth day of August eighteen hundred and ninety six shall so long as they respectively continue to hold the said offices be paid salaries of four hundred pounds and three hundred pounds respectively.

(2) The Inspector's Assistant is and shall be appointed on such conditions as to tenure of office as the board may determine.

Duties of officers to be determined by Education Board.

5. The Education Board may from time to time as to them shall seem proper determine the duties to be performed by the Inspector, Assistant Inspector, Inspector's Assistant, and Secretary.

Inspector and Assistant Inspector to hold annual examination.

6. The Inspector of Schools and Assistant Inspector of Schools shall hold an examination of all the elementary schools under their supervision at least once in every year and report in writing on such schools to the Education Board not later than the first day of March in each year, to be by the Education Board laid before the Governor for the information of the Legislature.

Annual estimates.

Functions of Board.

To carry into effect the recommendations of the Commission.

To submit annual estimates,

and statement of expenditure.

7. It shall be the duty of the Education Board to gradually carry into effect, as nearly as may conveniently be done, the recommendations contained in the report of the Education Commission of 1874-5, so far as the same are embodied in this Act, first giving their care to the amendment and extension of the system of elementary education; and in order that this may be done more effectually, and that the objects of this Act may in all respects be fully carried out, they are hereby authorized and required to forward to the Governor-in-Executive Committee for insertion in the general annual estimates an estimate in detail of all sums which will be required for educational purposes and for the working of this Act during the then current or ensuing year (as the case may be); and there shall also be forwarded to the Governor-in-Executive Committee, to be laid before the Legislature, a statement in detail showing the expenditure of the sums voted during the preceding year.

Grant for Elementary Education.

Limiting the cost of elementary Education.

8. In case of delay in voting the annual estimates for the purposes of this Act, from whatever cause or in whatever manner arising, the educational establishment as pro-

Education Act.

vided for by the then last-voted estimates shall in the mean time continue to be maintained from and by the Public Treasury, but under no circumstances shall it be so maintained for any longer period than twelve months ; Provided always that the annual expenditure under this Act to meet the cost of

(a) Salaries of teachers, assistant teachers, and pupil teachers of elementary schools ;

(b) Allowances to teachers for the instruction of pupil teachers ;

(c) Books, stationery, fittings, and printed forms for elementary schools, and

(d) Examination of teachers, pupil teachers, and for the office of pupil teachers,

shall in no event in any year exceed fourteen thousand two hundred pounds.

(2) If in any year the sum voted on the Estimates shall be insufficient for the purposes mentioned in the preceding sub-section, the examination premium rates shall be reduced by the Education Board so as to render the sum granted available to meet the expenditure.

Rules and regulations.

9. The Education Board are hereby authorized and empowered to make rules and regulations for all matters and things connected with the educational service of the colony, or relevant to all and every the purposes of this Act ; and further, they shall have power from time to time to alter, amend, add to, or annul all such rules and regulations, and all such rules and regulations when so made, altered, amended, or added to shall be submitted to the Governor-in-Executive Committee for his approval, and when approved shall be published six times in the Official Gazette of this Island, and shall thereafter have the force and effect of law in as ample a manner to all intents and purposes as if they had been inserted in this Act.

Board may make rules and regulations.

To be approved by Governor-in-Executive Committee.

General duties of the Board.

10. It shall be the general duty of the Education Board to carry out the provisions of this Act and to secure in all respects and by all means its efficient working. They shall receive applications for aid from public elementary schools and, when they think fit, award the grants thereon ; they

General duties of Board.

Education Act.

shall take special care that all sums whatever granted and paid under all or any of the provisions of this Act shall be properly and usefully applied and expended; they shall receive and consider the Inspector's and Assistant Inspector's reports; and whenever they may deem it expedient they shall visit and examine any school or schools receiving legislative aid and draw up reports in reference thereto and lay the same before the Governor for the information of the Legislature.

Plans of buildings.

Plans of new buildings to be approved by Education Board.

11. Whenever any new buildings shall be erected or any substantial alterations of existing buildings shall be made under any of the powers and provisions of this Act, the plans for such new buildings or such alterations shall in all cases be submitted to the approval of the Education Board, who shall have power to amend and vary the same; and for these and all other like purposes of this Act, they shall be authorized to call on the Superintendent of Public Works for his advice and assistance.

Annual report.

Board to present annual reports.

12. Once in every year the Education Board shall present to the Governor, for the information of the Legislature, a report showing the general working during the past year of the education system in operation under this Act.

PART II.

ELEMENTARY SCHOOLS.

School buildings.

Vestry authorized to lay rates for school buildings.

13. The Vestries of the several parishes are hereby authorized and required to lay rates in their respective parishes at every annual laying of rates for the purpose of raising such sums as the Education Board shall by requisition in writing call upon them to raise for building or repairing school buildings, including teachers' houses; provided, however, that in the case of Saint Michael's parish, no such requisition shall be for a greater amount than two hundred pounds in any one year; in the cases of the parishes of Saint Philip, Christ Church, and Saint George, for a greater amount than one hundred pounds in any one year; and in the cases of the other parishes respectively for a greater amount than seven-five pounds in any one year; and provided also that the

Education Act.

Vestry of any parish may appeal within fourteen days after such requisition shall have been made to them to the Governor-in-Executive Committee in respect of the subject matter thereof, and the Governor-in-Executive Committee after inquiry into the matter shall have power either to confirm, modify, or disallow any such requisition.

Appeal to Governor-in-Executive Committee.

Rules for Elementary Schools.

14. The Education Board shall make rules and regulations for the good government of the public elementary schools, for the subjects to be taught and the course and order of study in such schools, for the appropriation of the sums granted in aid thereof ; for settling and enforcing the payment of the fees to be paid therein ; and for the remuneration of the masters, mistresses, and pupil teachers thereof.

Board to make rules and regulations for government of elementary schools.

Conditions of aid.

15. (1) No primary school shall be entitled to be placed on the list of the Education Board to receive legislative aid unless the number of children in actual average attendance at such school during the three previous months be not less than fifty, except as respects the parish of Saint Andrew, in which parish the required average attendance as aforesaid shall be thirty five.

No primary school to receive legislative aid unless a certain average attendance is attained.

(2) After any such school shall have been placed on the list of the Education Board and shall have received legislative aid, it shall be lawful for the Education Board to continue to make grants to such school, although the average attendance as aforesaid of children may have fallen below fifty in the other parishes or below thirty five in the case of Saint Andrew, if and so long as circumstances shall appear to them to justify it ; provided always that in no case shall legislative aid be granted to any such school when its average attendance as aforesaid shall have fallen below thirty in the other parishes, or below twenty in Saint Andrew.

(3) Notwithstanding the preceding provisions of this section the Education Board may in any case, if exceptional circumstances so demand, exact a lower average attendance in the case of any school than that hereinbefore mentioned.

No aid to complexional schools.

16. No public money, parochial or otherwise, shall be granted under any circumstances or in any form in aid of education of

Schools for the education of

Education Act.

children of any particular complexion not to receive legislative aid. the funds of any school maintained for the education of children of any particular complexion.

Doles.

Doles prohibited.

17. No person connected with any public elementary school shall give or distribute to any child attending any dole or portion of food or clothing or any money, for the purpose of inducing such child to attend school.

School Committees.

School committee.

18. Every public elementary school shall be under the immediate superintendence of a committee composed of the minister of the district, or of the congregation with which such school is connected, and two laymen to be appointed annually by the Education Board, and in each case the said minister shall be the chairman of such committee, and the committee shall exercise all the rights of patronage in such school, including the appointment and dismissal of the master or mistress or pupil teachers of such school, subject however to approval by and a right of appeal to the Education Board. Provided always that when any charge shall be made against a teacher, assistant teacher, or pupil teacher which may involve his dismissal, notice in writing of the charge shall be sent at least seven days before the proposed meeting by the supervising minister to the Inspector of Schools (be he Inspector or Assistant Inspector) in whose district the school is ; and such Inspector of Schools shall attend the meeting and sit as assessor and report to the Education Board.

Inspector of Schools to sit as assessor at investigation of charge against teacher.

Factory Acts.

Education Board may bring into operation the principle of English Factory Acts.

19. The Education Board shall have power to make rules and regulations for bringing into operation, when they shall see fit, the principle of the English Factory Acts, that is, by providing that it shall not be lawful for any person to employ any child under the age of twelve years to work for any pecuniary wage or any reward whatsoever, unless previous to such employment such child shall have passed a minimum standard of educational qualification, to be fixed by the Education Board, before the Inspector of Schools or the Assistant Inspector, or, in the case of other than public elementary schools, before such person as the Education Board shall approve. Provided that to acquire the educational qualification herein referred to, no child shall be required to pass an examination in any religious doctrine or

Conscience clause.

Education Act.

instruction, except with the knowledge and concurrence of the parent or other lawful guardian for the time being of such child.

Half time system.

20. Either as an alternative to the procedure indicated in the last foregoing section or concurrently therewith, as they shall think fit, the Education Board shall have power to make rules and regulations for bringing into operation the half time system, that is, for compelling the attendance of children under the age of twelve years at some recognized school, public or otherwise, during a certain number of days or a certain number of hours in each week, as they shall think fit, the usual periods of school holidays being excepted. Provided that no such rule or regulation shall in any way interfere with the religious belief to which any child so compelled to attend school may belong; and provided that any rule or regulation made under this section requiring a child to attend school shall provide for the total or partial exemption of such child from attending school if the Inspector or Assistant Inspector of Schools certifies that such child has reached such a standard of education as would in the opinion of such Inspector or Assistant Inspector be sufficient to exempt the attendance at school of such child, and the Inspector or Assistant Inspector is hereby required to examine any child for the above purpose when instructed so to do by the Education Board.

Half time system.

Conscience clause.

Rules and regulations.

21. The Education Board are hereby authorized and required to appoint such officers and to make all such rules and regulations as may in their judgment be necessary for carrying out, in the most effectual and at the same time the most simple and least harassing manner, the intention of the two last preceding sections or either of them, and such rules and regulations besides being approved and published as is hereinbefore provided shall be laid on the table of both Houses of the Legislature, and if within twenty one days thereof either House shall present an address to the Governor against any of the said rules and regulations, then such rule or rules and regulation or regulations shall ipso facto stand annulled; and any person violating any rule or regulation passed under this Act, except any rule or regulation which may have become annulled in the manner specified by this section, shall be liable for every such offence to a penalty not exceeding ten shillings to be recovered in a summary manner before a Police Magistrate on the complaint of any person, and to be paid into the Public Treasury.

Board may make provisions for carrying out sections 19 and 20.

Penalty for violation of rules.

Education Act.

Exhibitions.

Six exhibitions of £25 each to be held at any first grade school by boys of humble means.

Board to settle conditions of competition.

22. In order to facilitate the bringing of very promising boys in humble circumstances within the reach of the advantages of high education, six exhibitions, not exceeding twenty five pounds per annum each in value, may be awarded, one in each year, by the Education Board to boys of sufficient merit, educated in the primary schools of this Island, to be held at any first grade school ; and the candidates for such exhibitions shall be admitted to compete under such conditions as to the age, and shall be examined in the manner and in the subjects and under the conditions, which shall be prescribed in any rules made by the Education Board for that purpose, and the exhibitions shall be tenable for not more than six years each, on such terms and conditions as the board shall in like manner appoint.

Examination of teachers.

Teachers' examination.

23. An annual examination of such teachers as shall offer themselves for that purpose shall be held by such persons as the Education Board shall appoint, and a list of all who pass shall be published, and those who pass with credit shall be ranked in two honour classes, and annual premiums shall be awarded by the Education Board to teachers holding certificates granted by the board according to a scale to be fixed by the said Board.

Pupil teachers.

Pupil teachers.

24. The master or mistress of every elementary school which the Inspector of Schools or the Assistant Inspector shall certify, subject to the rules of the Education Board, to be in a fit state for employing and training pupil teachers, shall be allowed, subject to the rules aforesaid, to receive as such pupil teachers young persons who shall be at least fourteen years of age, have a good character from their minister or some other respectable person, and pass a satisfactory examination ; and for every such pupil teacher so received the said master or mistress of such school shall receive such payment as the Education Board shall think fit.

Examination of pupil teachers.

Examination of pupil teachers.

25. Every such pupil teacher who shall have been admitted into any school as aforesaid and who shall produce

Education Act.

a certificate of good conduct for the preceding twelve months from his minister or some other person approved of by the Education Board, shall be examined annually by such persons as shall be appointed for that purpose from time to time by the Education Board, and shall, if he pass, be entitled to receive a certificate and be classified according to his proficiency, and shall receive such allowance as the Education Board shall think it proper to make.

Training of Teachers.

26. The Education Board shall in each and every year select by competition from among the pupil teachers a certain number of candidates to be specified by the Board to be trained as primary school teachers in some institution to be approved of by the Board, and to be subject in all things to the control and supervision of the Education Board ; provided the expenditure for such purposes shall not exceed three hundred pounds in any one year. And the Education Board shall make such arrangements, together with such rules and regulations, for the instruction and discipline of such students, as they shall deem meet, provided always, that the rights of conscience of each and all of such students in respect of their religious beliefs shall be duly and fully protected in all such arrangements, rules and regulations, if any, as may be made.

Industrial and ragged schools..

27. The Education Board shall have power, and they are hereby required, to frame schemes for the establishment of an industrial school in or near Bridgetown, and also, if they shall think it advisable, of one or more industrial schools in such localities in the country districts as they shall judge best suited to the purpose, and also if they shall think fit, for the establishment of ragged schools in town or elsewhere ; and the board shall submit such schemes to the Legislature along with the estimate of the cost of the establishment of such school or schools to be by them approved, amended, or disallowed as the case may be, and the board are hereby authorized to make rules and regulations for the maintenance, good government, and working of such school or schools when so established, and to appoint such officers from time to time as they shall judge to be necessary, and at such salaries as they shall think fit.

Training of Teachers.

Board may frame schemes for establishment of industrial schools and ragged schools.

Scheme to be submitted to the Legislature.

Rules and regulations.

1890—17.

Education Act.

PART III.

SECOND GRADE SCHOOLS.

Schemes for establishment.

Board may frame schemes for establishment of second grade schools.

28. The Education Board shall have power, and they are hereby required, to frame schemes for the establishment, either concurrently or from time to time, of second grade schools in such localities as may be deemed by them expedient.

Schemes how framed and dealt with.

Description of schemes to be drawn up for establishment of second grade schools.

29. Whenever and at such times as they shall think proper, the Education Board shall form schemes as aforesaid for the establishment of such second grade schools as they shall deem expedient; and in such schemes they shall set forth the proposed name and the actual locality of such school, the composition, functions, and powers of the governing body thereof, the course of study to be pursued therein, the public grants or allowances to be made towards the establishment or maintenance thereof, the application, if any, in aid thereof, of any parochial endowments as herein-after provided, and all such other matters and things as the Board shall think it right to set forth; and may from time to time alter and amend any such schemes after they have become law as hereinafter provided; and such schemes and amended schemes shall be laid before the Legislature and shall when they shall have received the sanction of both Houses of the Legislature and the assent of the Governor be legally binding on all persons.

Governing Bodies.

Governing bodies of second grade schools to become bodies corporate.

30. When and so soon as such schemes for the establishment of second grade schools shall have acquired the force of law in the manner hereinbefore mentioned, the several governing bodies as therein constituted shall be and become bodies corporate to all intents and purposes, and shall have a perpetual succession and a common seal, and shall sue and be sued by the name assigned to them severally in the said schemes, and all lands, buildings, property, and effects whatsoever belonging to or thereafter to be acquired by the said schools shall be vested in the respective governing bodies thereof.

Education Act.

Grants in aid.

31. The Education Board shall have power and they ^{Grants to second} are hereby required to propose, in the annual estimates ^{grade schools.} hereinbefore provided for, such grants as they shall think proper in aid of the second grade schools already established or to be established as aforesaid.

Rules for government.

32. In consideration of the said grants to the second ^{Rules for second} grade schools, the Education Board shall have power to call ^{grade schools.} on the governing bodies of such schools to frame statutes and rules for the good government and regulation of such schools, and the said governing bodies shall from time to time alter, add to, or rescind the same, and such original, added, or altered statutes and rules shall in all cases be subject to the approval of the Education Board.

Exhibitions.

33. For the purpose of encouraging the studies of de- ^{Sixtyexhibitions} serving boys at the second grade schools, the Education ^{of £5 each per} Board shall have power to place on the annual estimates ^{annum at second} hereinbefore provided for a sum not exceeding three hun- ^{grade schools.} dred pounds in each year, to be expended in sixty exhibitions at five pounds each per annum, and these exhibitions shall from time to time be awarded after due advertisement according to the results of an open competitive examination, and shall be tenable at any of the said second grade schools, at the option of each exhibitor's parent or guardian; and the Education Board are hereby authorized and required to make rules and regulations for settling the age and qualifications of candidates, and the character of the examinations to be held for such exhibitions, and also for determining the conditions on which such exhibitions shall continue to be held by those to whom they may be awarded, and for prescribing all other matters and things in relation to the said exhibitions; and they shall also have power to make provision for the remuneration of the persons to be appointed by them to examine candidates for such exhibitions.

Parochial Exhibitions.

34. (1) The vestries of the several parishes shall have ^{Vestries empow} power and they are hereby authorized, if they shall think fit, ^{ered to lay rates} to lay a rate on the ratepayers of their respective parishes, ^{for parochial ex-} hibitions.

Education Act.

along with the general annual rates, for the purpose of raising a reasonable and proper sum, not exceeding the sum of one hundred and twenty five pounds, for the maintenance of parochial exhibitions at the second grade schools connected with their respective parishes for the children of parishioners in straitened circumstances; and such parochial exhibitions shall be awarded and held subject to such provisions, and to such rules and regulations in respect of candidature, examination, and all other matters relating thereto, as may be made by the Education Board.

Provided always that if the money granted for such exhibitions shall not be expended or not fully expended on such exhibitions the money or the balance of the money so granted may be paid for and applied towards the maintenance and upkeep of such second grade schools.

(2) Until a second grade school for girls is established in connection with any parish, any such parochial exhibition for girls may be maintained at Queen's College.

Annual examinations.

Annual examination &c., of second grade schools.

35. In order to maintain a high standard of efficiency in the second grade schools, the Education Board are hereby authorized to make such arrangements as they shall think proper for the annual examination, and, if practicable, the inspection of the said schools.

PART IV.

FIRST GRADE SCHOOLS.

Board to determine first grade schools.

Board to determine what schools are to be first grade schools.
Rules &c., for first grade schools.

36. It shall be the duty of the Education Board to provide, as occasion may demand, that first grade education be brought within the reach and means of such inhabitants of this Island as desire it for their sons; and the said Board shall determine what schools shall be schools of the first grade, and shall define the functions and powers of the governing bodies of all such schools, and also of the head masters thereof, and shall frame schemes for the management of such schools, and shall have power to call upon the said governing bodies by requisition in writing from time to time to frame statutes, orders, and rules for the discipline, government, and course of instruction of such schools as far as may be in conformity with the report and recommendations of the Education Commission aforesaid; and the said

Education Act.

statutes, orders, and rules, when so framed, shall be approved, amended, or referred back by the Education Board, and when finally settled shall be published for general information in the Official Gazette.

Provision for instruction.

37. In framing such scheme as aforesaid the Education Curriculum. Board shall make due provision that instruction be given not only in the English and classical languages and literature and in mathematics, but also in the French language and in the elements of one or more of the natural sciences, and when practicable in the German language. They shall also provide that in one first grade school at least arrangements be made so as to secure a thorough and solid education for such boys as may require a modern in lieu of a classical education.

Annual examination and inspection.

38. In order to secure a high standard of education in the first grade schools, the Education Board are hereby Examination and inspection. authorized and required to make provision, as they may deem best after consultation with the governing bodies and head masters of the said schools, for the thorough annual examination and, if practicable, the periodical inspection of such schools, whether by qualified residents in this or neighbouring colonies, or by invoking the assistance of examining bodies in England; or by securing the periodical visits of a travelling inspector from England; and the said Board are hereby empowered, if they shall see fit, to enter, through His Excellency the Governor, into negotiations with the Governments of neighbouring colonies in order to secure the services of such travelling inspector conjointly with them, and the Board shall also have power to carry into effect any agreement that may be arrived at after such negotiations.

Publication of reports.

39. As soon as possible after the conclusion of each such examination or inspection, the Education Board shall Publication of reports of examiners and inspectors. publish in the Official Gazette so much as they shall think fit of the reports of such examiners or inspectors, as the case may be; and they shall also at the close of each year, or as soon thereafter as possible, publish in like manner a report of each first grade school, which shall be furnished by the

Education Act.

governing body of each such school setting forth the actual state of the school as to numbers, attendance, discipline, subjects of instruction, and general condition, together with a statement of income and expenditure for the year then expired.

Exhibitions.

Exhibitions at
first grade
schools.

40. For the purpose of encouraging the education of deserving boys at the first grade schools, the Education Board shall have power to place on the annual estimates hereinbefore provided for a sum not exceeding three hundred and fifty pounds to be expended in exhibitions for the benefit of boys who are natives of Barbados, or the sons of a native, and whose parents are not in well-to-do circumstances; and the said Board are hereby authorized and required to settle and to publish in the Official Gazette the numbers and value of the several exhibitions to be thus created, having due regard to the recommendations of the said Education Commission in that behalf, the age and qualifications of the candidates for the same, the nature and periods of the examinations to be held for awarding the same, and the conditions and duration of tenure; provided always, that the said exhibitions shall be awarded, according to the results of a competitive examination to be conducted under the direction of the said Board, to boys only who show real merit, and shall be tenable at any first grade school at the option of the successful candidate's parent or guardian.

HARRISON COLLEGE.*Governing Body.*

Constitution of
Governing Body
of Harrison Col-
lege.

41. The President of the Council for the time being, the Speaker of the House of Assembly for the time being, the Attorney General for the time being, the Rector of the parish of Saint Michael for the time being, the Churchwarden of the parish of Saint Michael for the time being, and two members of the Vestry to be chosen annually, shall, together and in conjunction with the Education Board, be the trustees and directors of Harrison College for all intents and purposes; provided however that the Education Board, as such, shall still exercise its distinct functions in respect of the said school as otherwise provided for.

Governing Body
to be a body
corporate.

42. The said school shall be a school of the first grade and shall be styled and called Harrison College, and the said trustees and directors thereof shall be styled and called "the Governing Body of Harrison College," and they shall be and are hereby constituted a body corporate, and

Education Act.

shall have a perpetual succession and a common seal, and shall sue and be sued under the style and title aforesaid; and in the said governing body of Harrison College shall vest, without any conveyance, all the estate, property, and effects, of what nature and kind soever, and also all the rights and liabilities which severally were formerly of the trustees and directors of the said school; and any five members of the said governing body shall be sufficient to form a quorum for the transaction of the business of the said school.

Annual grant in aid.

43. For the purpose of supporting Harrison College and assisting the governing body thereof in making good any guaranteed salaries of masters of the said school, an annual sum not exceeding one thousand pounds is hereby granted from the Public Treasury to the governing body, to be paid to them or their order from time to time on the warrant of the Governor-in-Executive Committee, on their certifying to the Governor-in-Executive Committee that the same is required, and the governing body shall apply such moneys when received to and for the purposes aforesaid; provided always that the full course of instruction defined in section thirty seven of this Act shall be strictly carried out; and provided also that whenever the pupils in the said school shall be below the number of one hundred the grant hereby made shall be reduced to the sum of eight hundred pounds for the period the number of pupils shall continue below one hundred; and provided also that whenever the number of pupils in the said school shall fall below sixty, the said grant shall be further reduced to the sum of four hundred pounds for the period the number of pupils shall continue below sixty.

Annual grant of
£1,000.

Vestry Exhibitions.

44. For the purpose of assisting at the said school in the education of ten boys whose parents, being parishioners of Saint Michael, are in straitened circumstances, to the extent of ten pounds each per annum, the Vestry of the parish of Saint Michael are hereby authorized to apply a sum not exceeding the sum of one hundred pounds of the moneys raised at the laying of their rates in each and every year, which said sums so raised as aforesaid shall yearly be paid over by the Vestry to the governing body of the said school, to be applied by them for the purposes aforesaid.

Vestry exhibi-
tions at Harri-
son College.

*Education Act.**By whom nominations exercised.*

Examination of
exhibitioners.

45. The nominations of ten boys for whose education part provision is made in the last preceding section shall be exercised by the Vestry of Saint Michael, and the boys nominated shall be examined as the Education Board shall think fit and shall make provision, and the said Board shall thereafter elect according to the results of such examination; provided that no boy shall be eligible for an exhibition who is less than seven years of age or more than fifteen, and provided also that the exhibitioners so elected shall hold their exhibitions subject to such rules and regulations as to conditions and period of tenure as the Education Board shall from time to time establish.

Limit of age.

THE LODGE SCHOOL.

Lodge School
vested in gov-
erning body of
same according
to the contract.

46. The formal contract with the Society for the Propagation of the Gospel in Foreign Parts for the transfer by the said society to the Education Board of the Lodge School, in the parish of Saint John, with its site, buildings, playgrounds, and all appurtenances, is hereby confirmed, and the site, buildings, and all appurtenances of the said Lodge School shall be vested for all intents and purposes whatsoever in the governing body hereinafter established for the same, to hold the same according to the terms and conditions of the said contract.

Governing Body.

Governing body.

47. The following persons shall constitute the governing body of the Lodge School; viz: the Lord Bishop of Barbados, the President of the Legislative Council, the Speaker of the House of Assembly, the two representatives in the General Assembly for the parish of Saint John, the Principal of Codrington College, the Rector of Saint John's, and two other persons to be nominated by the Governor. Three shall form a quorum.

To be a corpor-
ate body.

48. The above-mentioned officers and persons shall be styled "The Governing Body of the Lodge School," and shall be a corporate body, and shall have a perpetual succession and a common seal, and by that name shall sue and be sued, and in them shall be vested the site, buildings, and all appurtenances of the said Lodge School, on the terms, and subject to the conditions on which the same have been handed over by the said society to the Education Board.

1890—17.

Education Act.

Annual grant in aid.

49. For the purpose of assisting in the maintenance and support of the said school, a sum of five hundred pounds per annum shall be and is hereby granted from the Public Treasury, to be paid to the governing body of the said school on the warrant of the Governor-in-Executive Committee; provided always that if at the expiration of two years from the establishment of such school, the number of boys therein shall be below thirty, the grant shall not be payable, and the payment thereof shall be suspended during such time as the said number of boys shall remain below thirty.

Annual grant of £500.

Parochial Exhibitions.

50. The Vestries of the parishes of Saint Philip, Saint John, and Saint Joseph shall be and they are hereby authorized to make and lay rates at the general laying of rates in each year for the purpose of raising the sums of sixty pounds, sixty pounds, and forty pounds, respectively, to assist in the education at the said school of the sons of persons in straitened circumstances; and the exhibitions thus provided for shall be of such value as the Education Board shall appoint, and the said Vestries shall respectively nominate candidates for vacancies as the case shall be, and thereafter the like proceedings shall be had, and the like rules and conditions observed, as are hereinbefore set forth in the forty fifth section in regard to the exhibitions provided at Harrison College by the Vestry of Saint Michael.

Vestries of St. Philip's, St. John's, and St. Joseph's authorized to lay rates for exhibitions at the Lodge School.

Conditions of exhibitions.

QUEEN'S COLLEGE.

School for girls.

51. The school for girls called the Queen's College shall rank as a first grade school, and shall be conducted on the lines of the prospectus set out in the schedule to this Act annexed; and a sum not exceeding four hundred pounds may be placed on the annual educational estimates for the support thereof, until such school shall have become self-supporting.

Queen's College to be a first grade school : how conducted.

Governing Body.

52. The members of the Education Board shall constitute and be the governing body of the Queen's College, and

Governing body.

Education Act.

shall have power from time to time to alter and amend the original scheme for the establishment and maintenance of the Queen's College or any amended scheme made in accordance with the provisions of this section, but such amended scheme shall be subject to the provisions of the last preceding section of this Act.

Lands and buildings.

Lands &c., vested
in Governing
Body.

53. All lands and buildings now forming the site and buildings of the Queen's College, and all lands adjoining the Queen's College formerly occupied by the training school or by the clerical library, are hereby vested in the governing body of the Queen's College.

Examination.

Examination &c.
of Queen's Col-
lege.

54. In order to test and maintain the efficiency of the above-mentioned school for girls, the Education Board shall make rules and regulations for the holding of such examinations or inspections in connection with the said school as they shall think most suitable, and they shall make provision in their annual estimates for the cost of the same.

PART V.

UNIVERSITY SCHOLARSHIPS.

Gilchrist Scholarship.

Gilchrist
scholarship.

55. Whenever any native or the son of a native of Barbados, who shall have received his education in this colony for at least three years immediately preceding the examination, shall successfully compete in this Island for a Gilchrist scholarship, he shall be entitled to receive and shall receive for the said term of three years from the Public Treasury the sum of seventy five pounds per annum, which sum shall be paid to him quarterly to his order out of the Treasury on the warrant of the Governor-in-Executive Committee on the certificate of the registrar, or the head of a college or of some other proper authority of any British University at which he may be pursuing his studies, that he had during such quarter satisfactorily pursued his studies at such University or had been prevented by serious illness from so doing.

£75 per annum.

How payable.

Pembroke or other similar scholarships.

Pembroke
scholarship.

56. Whenever a native or the son of any native of Barbados, who shall have received his education in

Education Act.

this colony for at least three years immediately preceding the examination, shall be elected to any exhibition tenable at any college of one of the English Universities, on conditions approved of by the board, such exhibition being created by a gift to the Education Board of a sum of four hundred pounds in four annual instalments, and to be competed for by the youths of this Island as an exhibition, he shall, at the discretion of the Board, be entitled to receive for the said term of four years from the Public Treasury the sum of seventy five pounds per annum, *£75 per annum.* and the said sum shall be paid to him in all respects in the *How payable.* like manner, and upon the like conditions, to those set forth in the last preceding section of this Act. Provided always that if any holder of any such exhibition shall at any time forfeit the same under any of the conditions imposed by the donor, then and in every such case the grant made by this section to such person committing such forfeiture shall immediately cease and determine.

57. In order to further develop the higher educational interests of this Island, and to encourage young persons who may show promise in the prosecution of their studies by enabling them to complete their studies at an institution for higher education in Europe or America, four scholarships to be called the Barbados Scholarships, each of the annual value of one hundred and seventy five pounds, shall be established by the Education Board — one to be competed for annually — and shall be tenable during membership of the institution for a period not exceeding four years at any University or College in Europe or Canada that may be approved by the Education Board, or at any Agricultural or Technical College in Europe or America that may be approved by the said board, and the said board shall have power and they are hereby required to make rules and regulations for the admission of candidates, for the character and conduct of the examination, for the terms and conditions on which the said scholarships shall continue to be held, and for all other matters and things whatever relating to the competition for the said scholarships and to the nature thereof. Barbados Scholarship.

Examination.

58. The examination for the said Barbados Scholarships shall be conducted under the direction of the Education Board by papers sent from England and returned thereto, and the scholarships shall only be awarded by the said Board to youths who are either natives or the sons of a native, or of persons who are domiciled in this Island and have resided Examination for Barbados Scholarship.

Education Act.

herein for ten years, and who have for the three years immediately preceding been receiving their education in this Island, and who shall on the examination for the said scholarship attain such a standard of proficiency as prevails generally at the colleges of Oxford and Cambridge, in respect of examinations for open scholarships and exhibitions.

Grant from Treasury.

Grant towards
Barbados Schol-
arship.

59. Every person elected to one of the said scholarships shall be entitled to receive and shall receive for the said term of four years from the Public Treasury the sum of one hundred and seventy five pounds per annum, and the said sum shall be paid to him in such manner as the Education Board with the approval of the Governor-in-Executive Committee may determine; provided always that the said scholarships shall be held subject to any rules which may be made by the Education Board in that behalf.

Payment by Crown Agents.

Payment
through the
Crown Agents.

60. The Governor-in-Executive Committee may direct any sum granted under the provisions of the five sections next preceding to be paid to the parties entitled to receive the same or their order by the Crown Agents for the colonies, upon their receiving in each case the certificate hereinbefore specified, and any necessary expenses incurred in making such payments shall be defrayed out of the Public Treasury by warrant of the Governor-in-Executive Committee.

PART VI.

CODRINGTON COLLEGE.

Duties and pow-
ers of Education
Board with refer-
ence to Codring-
ton College.

61. The Education Board shall be and they are hereby charged with the duty of submitting, as soon as may conveniently be done, detailed plans to the Society for the Propagation of the Gospel in Foreign Parts for working Codrington College into the educational system of the Island, and of carrying on negotiations with the said society with the above-said object in view; and they shall suggest to the said society the expediency of adopting such recommendations as to the general administration and professional staff of the establishment as are contained in the report of the Education Commission, or otherwise as they shall think fit; and in particular it shall be the duty of the Education Board to impress on the said society the great importance of appoint-

Education Act.

ing at once a college council or governing body with definite but large powers assigned to it, subject only to such checks and general control as the said society shall deem expedient ; and the Board shall from time to time as they shall think fit report their proceedings under this section, and the results thereof, to the Governor for the information of the Legislature.

Island Scholarship.

62. An annual sum of one hundred and sixty pounds shall be and the same is hereby granted to the Education Board, to be paid to them from time to time on their requisition by the warrant of the Governor-in-Executive Committee, and to be applied by them to the establishment of four scholarships of the annual value of forty pounds each at Codrington College, to be competed for and held subject to such regulations as the Board shall think fit from time to time to make ; and the said scholarships shall not be confined to any particular faculty, and shall be filled up at such time in each year as the Education Board shall determine, according to the result of an examination to be held by the authorities of the said college, and they shall be tenable by any native, or son of a native, of Barbados, or a youth who has for the three years immediately preceding been receiving his education in this colony and is the son of a person who is domiciled in this Island and who has resided herein for ten years, for two years and no longer ; provided that each such scholar shall, unless prevented by sickness or other grave cause, keep his terms continuously at the said college during such period, and shall transmit to the secretary of the Education Board, at the close of each term, a certificate from the Principal of the college, or the person acting on his behalf, that he has kept such term by actual residence, and has satisfied the authorities of the college with his diligence and general conduct ; on the receipt of which certificate he shall be paid the amount to which he may be entitled for the term then ended.

Rawle Scholarship.

63. So much of the sum of four hundred pounds or thereabouts raised for the purpose of founding a scholarship in memory of the Reverend Richard Rawle, M.A., as may be recovered, shall be and remain vested in the Bishop of the Diocese for the time being and the Principal of Codrington College for the time being, and their successors in office, upon trust that the said Bishop and Principal of Codrington Col-

Island scholar-ship.
Number and value of scholar-ships.
Rawle scholar-ship trust fund, in whom vested and for what purposes.

Education Act.

lege and their successors do and shall either permit and suffer the same to remain in its actual state of investment or at any time or times sell, transfer, or dispose of the same or of part thereof, and lay out and invest the money to arise by such sale, transfer, or disposition in the names of the said Bishop of the Diocese and Principal of Codrington College, and their successors, in the purchase of a competent share or shares of any of the parliamentary stocks or public funds of Great Britain, or at interest upon real securities in this Island ; and do and shall from time to time alter, vary, and transfer the said stocks, funds, or securities in to or for other stocks, funds, or securities of the same or a like nature, as to them shall seem proper ; and do and shall stand and be possessed of and interested in the said sum and any additional sum or sums, and the moneys to arise by the sale, transfer, or disposition thereof, or any part thereof, and the securities in or upon which the same may be invested, upon trust to pay the dividends, interest, and annual produce thereof unto the person or persons elected to and holding the said scholarship, subject to such rules as to candidature, examination and other matters, as the college authorities shall think fit from time to time to make.

The Leacock Scholarship.

Leacock scholarship trust fund vested in the Bishop of Barbados and the Principal of Codrington College for the time being on the trusts affecting it.

64. The Lord Bishop of the Diocese of Barbados and the Principal of Codrington College, and their successors in office shall stand and be possessed of and interested in the sum of one thousand pounds paid and transferred to them by the executors of the will of John Henry Leacock, late of the parish of Saint Peter in this Island, for the establishment of two scholarships of the annual value of thirty pounds each at Codrington College, and upon and subject to all and every the trusts, powers, provisions, declarations and conditions declared and contained of and concerning the same (including the trusts for investment and varying of securities), in and by the said will, or such of them as may from time to time be subsisting and capable of taking effect.

Schoolmasters not liable to serve on juries.

65. No master of any school aided under this Act shall be liable to be called on to serve on any jury.

SCHEDULE

The Queen's College, Bridgetown, Barbados.

The governing body of the College is composed of the members of the Education Board.

1890—17.

Education Act.

The College will be divided into preparatory classes and advanced classes.

Subjects of instruction.

Preparatory classes—A thorough and suitable grounding in all the branches of an English education as well as in elementary Latin and French.

Advanced classes—Mathematics (including arithmetic, algebra, geometry,) English (including language, literature, geography, and history,) French, Latin, Natural Philosophy, Chemistry, Natural Science.

Extra classes—Special classes and courses of lectures on different subjects, including German, Greek, &c., will be formed and announced from time to time, for which extra fees will be charged.

Private lessons—Instrumental music, and solo singing, &c.

Besides boarders and other members of the college, outside students will be allowed to attend the extra classes.

The work of the pupils will be tested by periodical examinations, and reports of their progress and conduct will be sent to the parents at the end of each term.

School terms, fees, &c.

The school year is divided into three terms, each of about thirteen weeks, corresponding with the terms usually kept at public schools in this Island.

The vacations will be given at the usual times, and will be of the ordinary duration, and there will be one whole holiday given at the middle of each term.

The hours of attendance will be from 10 a. m. to 4 p. m.

Entrance fee—Ten Shillings.

Term fees—For preparatory classes—not exceeding
£2 10 0.

For advanced classes—not exceeding
£3 6 8.

For school stationery a charge of 2s. and 3s. a term is made for preparatory and advanced classes respectively.

All fees must be paid in advance, and no pupil will be permitted to attend school without the treasurer's receipt for such fees.

1890—17.

Education Act.

Notice of the intention to remove a pupil or to discontinue an extra subject for which a fee is charged must be given at least one calendar month before the end of the term.

1890—18.

An Act to consolidate and amend the Acts of this Island relating to Prisons.

[28 October 1890]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

PRELIMINARY.

1. This Act may be cited as the Prisons Act, 1890.

2. In this Act, unless the context otherwise requires :

short title.
interpretation
of terms.

(1) Governor means the Governor or other lawful administrator for the time being of the government of this Island.

(2) Prison means any gaol, house of correction, or penitentiary, and includes the airing grounds or other grounds or buildings occupied by prison officers for the use of the prisons and contiguous thereto.

(3) Gaoler means governor, keeper, matron, or other chief officer of a prison.

(4) Prisoner means any prisoner charged with or convicted of any criminal offence, or any person ordered to be detained by any court, Judge, Magistrate, Justice, or other lawful authority having power and jurisdiction, under any existing law or laws to be made, to order imprisonment.

(5) Solitary confinement means confinement in solitude in a prison cell to which no light is admitted.

(6) Separate confinement means confinement in solitude in a prison cell to which light is admitted.

PART I.

Division of prisons and appointment of officers.

Prisons of the
Island may be

3. The following are declared to be the prisons of this Island :

Prisons Act.

Glendairy Prison.

Rural prison of district A.

Rural prison of district B.

Rural prison of district C.

Rural prison of district D.

closed and re-opened by proclamation.

Provided that it shall be lawful for the Governor from time to time by proclamation to close and to discontinue using as a prison or as prisons, after reasonable time from such proclamation being published shall have elapsed, any one or more of the said prisons; provided also that if the said prisons or any one or more of them shall at any time or times have been closed either by proclamation as aforesaid, or under the provisions of the Imperial Act 1 and 2 Victoria c. 67, entitled "An Act for the better government of prisons in the West Indies," it shall be lawful for the Governor from time to time or at any time by proclamation to re-open any one or more of the said prisons so closed as aforesaid, and to authorize such prison or prisons so re-opened to be used as a prison or prisons for any of the purposes of prisons specified in this Act; and such prison or prisons so re-opened by proclamation as aforesaid shall by virtue of such proclamation or proclamations be brought within the provisions of this Act.

4. Any person sentenced before or after the passing of this Act to imprisonment with or without hard labour or to penal servitude, or to imprisonment for contempt of court, or in default of sureties, or remanded and being at the date of the sentence, or subsequently becoming before his imprisonment expires, a leper, may be imprisoned in the place of confinement provided at the Lazaretto or any other place where lepers are or may be lawfully detained, and his sentence may be carried into effect at such place in all respects as if it had been authorized by and pronounced under the last-mentioned Act.

Any person ordered to be imprisoned or detained and being or becoming a leper to be imprisoned at the Lazaretto.

5. The Governor may, by order under his hand, direct the transfer to such place of confinement of any leper now or hereafter imprisoned or confined in any of the prisons of this Island.

Governor may direct transfer to the lazaretto of any such leper.

6. If at any time any building or buildings may or shall have been constructed, purchased, or otherwise obtained, at the expense of the colony or otherwise, suitable for prison purposes, it shall be lawful for the Governor by proclamation to authorize and cause such building or buildings to be used as a prison or prisons for any of the purposes of prisons specified in this Act; and such building or buildings when so proclaimed as aforesaid shall, together with

Governor empowered to authorize by proclamation other buildings to be used as prisons.

Prisons Act.

the yards and outhouses appertaining thereto, be a prison or prisons within the meaning of and shall be brought within the provisions of this Act.

Governor-in-Executive Committee to determine specific prison purposes of each prison.

7. It shall be lawful for the Governor-in-Executive Committee from time to time, and as often as is deemed expedient, to determine the specific prison purposes for which each of the several prisons of this Island shall be used, and, with a view to carrying into effect any such determination, to direct the transfer to any of the said prisons of all or any of the persons undergoing imprisonment in any other or others of the said prisons, to make such alterations in the duties of the several prison officers, or such reduction of the number of the said officers, and to make such rules and regulations, as may be necessary.

Determination of Governor and rules to be published.

8. Every determination of the Governor-in-Executive Committee and all rules and regulations made under the last preceding section shall be published in the Official Gazette.

Persons committed may be imprisoned in any prison.

9. Persons committed to prison under any writ or process of any court, notwithstanding such writ or process may specify any particular place of imprisonment, may be imprisoned in any prison set apart under the provisions of this Act for the reception of persons undergoing imprisonment similar to that to which such persons were sentenced.

Glendairy Prison to receive all males of or over fourteen years of age.

10. Subject to the provisions of this Act, Glendairy Prison shall be the prison of this Island to receive all males of or over the age of fourteen years who may be committed to prison by any court, Judge, Magistrate, Justice, or other lawful authority having power and jurisdiction, under any existing law or laws to be made, to order imprisonment.

Persons under sentence or order of penal servitude how to be dealt with.

11. Every person who shall be sentenced or ordered to be kept in penal servitude may, during the term of the sentence or order, be confined in any such prison or place of confinement in any part of this Island in which persons under sentence of imprisonment may now by law be confined, and such person may during such term be kept to hard labour and otherwise dealt with in all respects as persons sentenced to imprisonment may now by law be dealt with while so confined.

Prisons A and C to be female prisons.

12. Subject to the provisions of this Act,
(a) the rural prison of district A and the rural prison of district C shall be the prisons of this Island to receive any females who may be committed as aforesaid ;

Prisons B and D to be juvenile

(b) the rural prison of district B or the rural prison of district D shall, as the Governor shall see fit, be declared

1890—18.

Prisons Act.

and used as the prison of this Island for all male juveniles and auxiliary under the age of fourteen who may be committed as afore- prisons. said while the remaining prison shall be used as an auxiliary prison to Glendairy Prison ; provided that it shall be lawful for the Governor to order the removal of any juvenile committed as a juvenile prisoner on his attaining the age of fourteen years, should his sentence have not then expired, to Glendairy Prison therein to complete it.

13. It shall be lawful for the Governor to appoint the following prison officers who shall receive annually the salaries hereinafter specified, that is to say : Prison officers to be appointed by Governor.

Governor of Glendairy and district A prisons at £350

MALE PRISON.

One chief warder, at £100 rising by £5 a year to	£120
Two first class warders each at.....	£ 75
Four second class warders, each at	£ 60
Fifteen third class warders, each at.....	£ 50
Steward at.....	£ 80
Schoolmaster at	£ 75
Hospital attendant at.....	£ 60
Cooper at.....	£ 48
Baker at.....	£ 50
Carter and Messenger at	£ 25
Carter and messenger at.....	£ 20

FEMALE PRISON.

One chief matron at.....	£100
One first class matron at.....	£ 60
Two second class matrons at.....	£ 50
Four third class matrons at.....	£ 40

14. It shall be lawful for the Governor-in-Executive Committee to award gratuities for their loss of office to any prison officers whose services it may be found unnecessary to retain in consequence of any alteration in the purposes for which the several prisons are now used at a rate equal to three years' pay. Gratuities for loss of office.

15. The duties of the prison officers appointed under this Act shall be as specified in the prison rules now in force, or in any rules and regulations to be made in pursuance of this Act. Duties of officers to be specified by rules.

16. None of the prison officers appointed under this Act with the exception of the governor or chief comptroller of Glendairy Prison shall be considered to be attached to any particular prison ; and it shall be lawful for the Governor at any time to appoint any one or more of such prison Prison officers may be transferred from one prison to another.

Prisons Act.

officers (with the exception aforesaid) to any of the rural prisons ; and from time to time to transfer any one or more of such prison officers (with the exception aforesaid) from Glendairy Prison to any of the rural prisons, from any one of the rural prisons to any other of the rural prisons, or from any of the rural prisons to Glendairy Prison ; provided that no prison officer so transferred shall, except as provided by any rules or regulations made or to be made in pursuance of this Act, be subjected to any diminution of salary on account of such transfer as aforesaid.

Inspector of
Prisons to be
appointed.

17. It shall be lawful for the Governor to appoint an Inspector of Prisons for this Island at a salary of fifty pounds per annum, whose duties shall be as defined from time to time by the Governor-in-Executive Committee.

Inspector of
Prisons to be
allowed station-
ery &c., for use
of office.

18. The Inspector of Prisons shall be allowed to use free of rent such place as may be allotted to him as an office, and shall be furnished with stationery and other incidental expenses of his office at the public cost.

Prison chaplain
to be appointed.

19. It shall be lawful for the Governor to appoint a clergyman of the Church of England, holding a license from the Lord Bishop of Barbados, to be chaplain to the several prisons and the Lunatic Asylum at a salary of two hundred pounds per annum.

Chaplain to de-
voted his time to
prisons and not
hold benefice
&c

20. Such chaplain shall devote his time and services to the said prisons, and to any other prison or prisons that may hereafter be proclaimed under this Act, and shall not while holding the chaplaincy as aforesaid hold any benefice with cure of souls or any curacy.

Chaplain to su-
perintend religi-
ous instruction
&c. of prisoners
belonging to
Church of
England.

21. Such chaplain shall superintend and take part in the tuition and religious instruction of the prisoners confined in the several prisons, provided that no prisoner who may may not belong to the Church of England shall be in any way obliged to attend to the administrations of such chaplain, but such prisoner shall be given every facility to obtain the services of the minister of the religious persuasion to which he may belong.

Surgeon to Glen-
dairy Prison to
be appointed by
Governor.

22. It shall be lawful for the Governor to appoint a surgeon to Glendairy Prison at an annual salary of one hundred pounds whose duties shall be as specified in the schedule to this Act.

PART II.

Maintenance and government of prisons.

Governor may

23. For the purpose of relieving overcrowding in any particular prison of this Island, or for any other reason that

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to the Governor shall seem fit, it shall be lawful for the Governor to direct the transfer of any prisoner or prisoners from any one prison in this Island to any other prison in this Island, such order of transfer to be issued under the Governor's hand.

24. All rules and regulations made or to be made by the Governor in Council under the authority of the Imperial Statute 1 and 2 Victoria c. 67, entitled "An Act for the better government of the prisons in the West Indies," shall apply to all prisons in this Island.

order transfer of prisoners from one prison to another.

25. It shall be lawful for the Governor to order any prisoner committed to prison with hard labour to be employed within the prison walls, or upon any public works or roads, or in any other manner, and under such conditions or restrictions, as the Governor may direct.

Rules and regulations under Imperial Statute 1 and 2 Vict. c. 67 to apply to prisons under this Act.

Governor may order prisoners committed with hard labour to be employed on public works &c.

26. For the punishment of disorderly conduct, breach of prison discipline, and other like offences committed by any prisoner in this Island, it shall be lawful for the Governor to appoint by commission under his hand and seal, from time to time as he may think fit, any proper person or persons, being a Justice or Justices of the Peace, or Police Magistrate or Magistrates, to be visiting Justice or Justices of any of the said prisons in this Island, and the visiting Justice or Justices of Glendairy prison shall be allowed for expenses incurred by him or them in visiting such prisons the sum of four shillings for each visit, such sum to be paid on the warrant of the Governor-in-Executive Committee; provided that the amount to be paid for such visits shall not exceed the sum of one pound per month. In case of disorderly conduct, breach of prison discipline, or other like offence on the part of any prisoner, either while actually in such prison or while being conveyed from one prison to another, or while employed on any road or other legitimate work, or while being taken to or from any such road or work, or while being lawfully conducted to or from any other place, it shall be lawful for the visiting Justice or Justices of the prison in which such offender may have been ordered to be confined, to hear the complaint against such offender, and to sentence such offender to solitary confinement, subject to the provisions hereinafter mentioned, for any term not exceeding twenty eight days, or if a male to be punished by being once whipped, the stripes at such whipping not to exceed twelve in the case of a prisoner whose age does not exceed sixteen years, and twenty four in the case of a prisoner whose age exceeds sixteen years, and such whipping to be inflicted in accordance with any rule or

Visiting Justices of prisons to be appointed by Governor who may punish for breaches of prison discipline by ordering solitary confinement or whipping, but all such sentences to be approved of by Governor before carried out.

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regulation made or to be made by the Governor in Council in relation thereto; provided that no such sentence shall be carried into execution until a report of the proceedings and sentence be made to the Governor for his sanction, and the sentence be approved of by him; provided that nothing herein contained shall prevent the governor or chief comptroller of Glendairy prison, or the gaoler of any other prison, from punishing promptly such offences as can be so punished under any rule or regulation made or to be made by the Governor in Council.

Prisoners committing breaches of prison discipline while undergoing solitary confinement may be sentenced to a further period of solitary confinement or whipping.

27. Whenever any prisoner shall, while undergoing a sentence of solitary confinement, be charged with any disorderly conduct, breach of prison discipline, or other like offence, it shall be lawful for the visiting Justice or Justices of the prison in which such prisoner is undergoing his sentence of solitary confinement as aforesaid to hear the complaint against such prisoner in the same way as if such prisoner were not under punishment, and to sentence him to a further period of solitary confinement, or to be once whipped; provided that the additional period of solitary confinement together with the original sentence of solitary confinement, shall not amount in all to more than twenty eight days; provided also that if such prisoner be sentenced to be whipped, the number of strokes at such whipping shall not exceed twelve, in the case of a prisoner whose age does not exceed sixteen years and twenty four, in the case of a prisoner whose age exceeds sixteen years; provided also that no sentence under this section shall be carried into execution until a report of the proceedings and sentence shall have been made to the Governor for his approval, and the sentence approved by the Governor.

Governor may modify sentences or commute whipping to solitary confinement.

28. It shall be lawful for the Governor to modify the sentence passed on a prisoner by any visiting Justice or Justices under the provisions of this Act, and, if such sentence be whipping to commute such sentence to solitary confinement not exceeding twenty eight days, but subject to the provisions hereinafter mentioned.

Where no cells in a prison adapted to solitary confinement prisoner may be removed to another prison to undergo it.

29. Whenever any prisoner shall be sentenced to solitary confinement under the provisions of this Act, or whenever any prisoner shall be sentenced by the visiting Justice or Justices to be whipped, and the Governor shall think proper to commute such sentence to solitary confinement, and there shall happen to be no cells at the prison where such prisoner is confined adapted to solitary confinement, it shall be lawful for the Governor to order the temporary removal of such prisoner from such prison to any other prison

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in which there shall be such cells, for the purpose of undergoing such sentence, and to order such prisoner's removal back after the expiration of such sentence, such removals to be as many as may be necessary for the entire completion of such sentence.

30. Whenever any prisoner shall be sentenced to solitary confinement in pursuance of any provisions of this Act, or whenever any prisoner shall be sentenced by a visiting Justice or Justices to be whipped, and the Governor shall order such sentence to be commuted to solitary confinement, it shall be lawful to order the detention or detentions and removal or removals, as the case may be, of such prisoner for the purpose of undergoing such sentence, notwithstanding the term of such prisoner's original sentence may have expired.

Prisoner sentenced to solitary confinement may be detained until such sentence be undergone though original sentence may have expired.

31. Whenever any prisoner shall be sentenced to solitary confinement under the authority of this Act, or whenever any prisoner shall be sentenced by any visiting Justice or Justices to be whipped and the Governor shall order such sentence to be commuted to solitary confinement, it shall not be lawful for any prisoner to be kept in solitary confinement for any period longer than seven days at any one time, but when a sentence of solitary confinement for more than seven days shall have been passed, a period of seven days' separate confinement shall elapse after a first period of seven days' solitary confinement and before a second period of seven days' solitary confinement, and another period of seven days' separate confinement shall elapse between a second period of seven days' solitary confinement and a third period of such confinement; provided that it shall be lawful for the Governor to order the detention or detentions and removal or removals, as the case may be, of such prisoner for the purpose of undergoing the whole term of solitary confinement to which he may have been sentenced, notwithstanding the term of his original imprisonment may have expired; provided that if such prisoner shall have been originally sentenced to hard labour and his original sentence shall have expired he shall not be kept to hard labour during such times as he may be detained in prison between the terms of any solitary confinement.

No prisoner sentenced to more than seven days solitary confinement to undergo more than seven days at one time, but if sentenced to more than seven days to undergo an intermediate period of seven days separate confinement.

32. Such periods of the original term of imprisonment as are passed by any prisoner in punishment, consequent on the sentence of a visiting Justice for the offence of persistent malingering or for evading labour by refusing to work or otherwise, shall be recorded in a book to be kept for the purpose by the Inspector of Prisons, and such prisoner shall on the expiration of the original term of imprisonment, on the

Prisoners on the expiration of their sentences to be detained for a further period equal to the time spent in punishment for persistently

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malingering.

warrant of the Governor of the colony, be detained in prison for a further period equal in duration to the time passed in punishment as aforesaid, and shall be treated and be subject in every respect to prison rules and discipline as if such further period formed part of the original term of imprisonment.

Persons convicted of aiding prisoners to escape, to be guilty of felony.

33. Any person who shall aid any prisoner in escaping or attempting to escape from any prison in this Island, or who with intent to facilitate the escape of any prisoner conveys or causes to be conveyed into any prison any article or articles whatsoever, shall be guilty of felony and on conviction be sentenced to imprisonment, with or without hard labour, for a term not exceeding two years.

Persons unlawfully conveying spirits &c., to prisoners liable on conviction before Police Magistrate to three months imprisonment or £20 fine.

34. Any prison officer or other person who shall, except for a lawful purpose, convey or cause to be conveyed into any prison of this Island, or shall convey or cause to be conveyed to any prisoner, or shall attempt to convey into such prison or to any such prisoner any spirituous or fermented liquor, shall on conviction be sentenced to imprisonment, with or without hard labour, for a period not exceeding three months, or to pay a penalty not exceeding twenty pounds; and any such prison officer or other person may be apprehended and taken before a Police Magistrate who shall hear and determine the charge in a summary way, or remand the party charged in such manner as the Magistrate may deem necessary until he shall adjudicate upon the case.

Persons unlawfully conveying to or taking from prisoners any article contrary to prison rules to be liable on conviction before Police Magistrate to 3 months imprisonment or £20 fine.

35. Any police officer or other person who shall, except for a lawful purpose, bring or cause to be brought into any prison of this Island or thrown into it, or convey or attempt to convey or cause to be conveyed to any prisoners any tobacco, money, clothing, provisions, letter, paper, book, or any other article not expressly allowed by any prison rule or regulation to be in possession of any prisoner, or shall unlawfully carry away any article from any prison or prisoner, shall on conviction be sentenced to imprisonment, with or without hard labour, for a period not exceeding three months or to a penalty not exceeding twenty pounds, and any such offender may be apprehended and taken before a Police Magistrate who shall hear and determine the charge in a summary way, or remand the party charged in such manner as the Magistrate may deem necessary until he shall adjudicate upon the case.

Persons not paying penalties inflicted under sections 34 and 35 liable to impri-

36. If any penalty, including costs, inflicted under either of the last two preceding sections of this Act be not paid forthwith, or at such time as the Police Magistrate inflicting the same may appoint, it shall be lawful for such

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Police Magistrate to order the person failing to pay the same or any part thereof to be imprisoned, with or without hard labour, for a term not exceeding three months. sonment not exceeding 3 months.

37. Nothing in this Act shall deprive any party from any right of appeal which he may have in virtue of any law to that effect, and when notice of appeal shall be duly given proceedings shall be stayed in the usual manner until such appeal be heard and determined. Nothing in Act to deprive any person of right of appeal.

38. Any prisoner confined in any prison of this Island whose term of imprisonment would, according to such prisoner's sentence, expire on any Lord's Day, or on Christmas Day, or Good Friday, shall be entitled to be discharged on the day next preceding such Lord's Day, Christmas Day, or Good Friday; provided that nothing in this section shall be held to interfere with any of the provisions of sections thirty and thirty one of this Act. Prisoner whose term expires on any Lord's Day, Christmas Day, or Good Friday to be released the day previous.

39. It shall be lawful for the Governor from time to time by an order in writing to authorize the governor or keeper for the time being of Glendairy Prison to destroy such warrants of commitment to prison bearing date five years at least from such order as have been duly served, and the contents of which have been recorded in the register kept at the said prison. Governor may authorize destruction of certain warrants.

40. A certified copy signed by the keeper for the time being of the said prison shall in all courts of law and equity in this Island be receivable in evidence wherever the original warrant, the destruction of which is by this Act authorized, would have been receivable in evidence. Certified copies of such warrants to be receivable in evidence.

41. Nothing in this Act shall be held to in any way interfere with any of the provisions of the Imperial Statute 1 and 2 Victoria, c. 67, entitled "An Act for the better government of prisons in the West Indies." Nothing in Act to interfere with provisions of 1 and 2 Vic. c. 67.

42. All rules or regulations in force in any prison, which may not be inconsistent with the provisions of this Act, shall continue in force until altered or rescinded under the powers of this Act or the said Imperial Statute 1 and 2 Victoria c. 67. Saving of existing rules.

SCHEDULE

Duties of the visiting surgeon at Glendairy Prison.

He shall visit the prison daily, and shall note down in

1890—18.

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a book to be kept for that purpose the hour of his visit and the number of sick he may find in the prison each day, and he shall furnish weekly to the Inspector of Prisons, for the information of the Governor, a statement of the condition of all sick prisoners confined in the prison.

He shall conform to any rules and regulations to be made by His Excellency the Governor-in-Executive Committee in pursuance of this Act so far as such rules and regulations may affect his office of visiting surgeon.

1890—19.

An Act to consolidate the Acts relating to the Public Market of Bridgetown, to Butchers, and to the Slaughtering of Animals for Butchers' Meat.

[28 October 1890.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Market and Butchers Act 1890.

Definitions.

2. In this Act each of the following terms shall, except there is something in the subject spoken of or in the context inconsistent with such meaning, have the meaning hereafter assigned to it, that is to say :

“animal” shall mean any bull, cow, calf, ox, ram, ewe, wether, lamb, goat, kid or swine :

“butchers’ meat” shall mean the meat of any animal slaughtered for sale.

Duties of Inspector of Weights &c, who is to be also Clerk of the Market.

3. The Inspector of Weights and Measures shall be and he is hereby declared to be the Clerk of the Market, and he is hereby enjoined and required to see that proper order and decorum be at all times observed in the said market, and the rules and regulations for the government of the same duly attended to ; and before entering upon the office of Inspector of Weights and Measures and Clerk of the Market, he shall appear before the Governor-in-Executive Committee and enter into a bond to Her Majesty the Queen, her heirs and successors, with two sufficient sureties to be approved of by the Governor-in-Executive Committee, himself in two hundred pounds, and each of his sureties in

Bond.

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one hundred pounds, for the faithful discharge of his office.

4. The Clerk of the Market and the Inspector of Weights and Measures shall be appointed from time to time by the Governor as a vacancy shall occur in the office.

Clerk of the Market &c., to be appointed by the Governor.

5. The Clerk of the Market and the Inspector of Weights and Measures shall receive a salary not exceeding two hundred pounds per annum, and be paid from the Public Treasury in equal monthly sums on the warrant of the Governor-in-Executive Committee.

Salary.

6. The Governor shall appoint a duly qualified medical practitioner as medical surveyor, and it shall be the duty of such surveyor to promptly attend the call of the Clerk of the Market to inspect any meat or fish seized on the ground that it is unfit for human food; and such surveyor shall receive a fee of one guinea for each such inspection; provided always that in case such surveyor cannot attend when called upon the clerk of the market may call some other duly qualified medical practitioner who shall receive the like fee and shall for the time be deemed to be the medical surveyor within the meaning of this Act.

Medical surveyor.

7. For the purpose of maintaining the good government of the public market the Executive Committee may employ such keepers, not at any time exceeding two in number, at such salaries not exceeding twenty pounds each per annum as they shall think fit. The salary of any such keeper shall be paid monthly from the Public Treasury on the warrant of the Governor-in-Executive Committee. Provided that in any rules for the guidance of such keepers no power shall be conferred upon them incompatible with the powers exercised by constables at common law or by any Act or Statute in force in this Island.

Appointment and salaries of keepers of the market.

8. The Executive Committee may from time to time fix the hours for the opening and closing of the public market. Such hours shall be approved by the Governor-in-Executive Committee, and due notice thereof shall be given in the Official Gazette.

Hours of opening and closing the market how fixed

9. All expenses from time to time incurred in the repair and improvement of the public market shall be borne and paid from the Public Treasury.

Payment of certain expenses of the market.

10. The Executive Committee shall from time to time inspect and examine the buildings and premises of the said public market, and have all necessary repairs made thereto

Executive Committee to inspect &c. buildings &c.

Market and Butchers Act.

and all requisite articles and things duly supplied and furnished for the use of the said public market.

Nobody to buy and re-sell in the market without a huckster's license for this special purpose nor until after 3 o'clock.

11. No person shall be allowed to buy up and re-sell in the said public market any articles or things whatsoever brought into the said market for sale, unless such person be furnished with the license of a huckster from the Treasurer of the Island, for which license the sum of four shillings and two pence sterling shall be paid into the Public Treasury by the person obtaining the same. Provided always that it shall not be lawful for any person under any such license as aforesaid to buy and sell in any other place than in the said public market. And provided also that it shall not be lawful for any person having such license as aforesaid to purchase any articles or things in the said public market for the purpose of revending the same until after the hour of three o'clock of any day; and if any person shall buy and resell any article or thing in the said market without such license as aforesaid, or shall otherwise offend against any of the other provisions of this section, he shall be liable to a penalty not exceeding ten shillings.

Penalty for holding a market in Bridgetown.

12. All persons who now hold or shall hereafter hold a market in the city of Bridgetown shall be subject to a penalty of five pounds for each day any such market shall be holden.

Penalty for exposing goods for sale in any market in Bridgetown except public market.

13. Any person exposing for sale goods in any market in the city of Bridgetown, except the public market, shall for each offence be liable to a penalty not exceeding thirty shillings.

Penalty for exposing goods for sale on pavements, &c.

14. Any person sitting outside the door of any house or on the pavements and footpaths in any street, lane, or place within the city, exposing goods for sale, shall for every such offence be liable to a penalty not exceeding thirty shillings.

Meat, fish, fruit &c., not to be sold in town without a license.

15. It shall not be lawful to expose for sale in any public street, lane, or alley in the city of Bridgetown, any fish, poultry or other live stock, roots, grain, vegetables, or fruit of any kind whatsoever, under a penalty not exceeding thirty shillings for every such offence; provided always that nothing herein contained shall be construed to prevent any person or persons from carrying any such articles for sale from house to house within the said city, or disposing of the same in any house, agreeably to the laws now or hereafter to be in force relating to hawkers and itinerant vendors.

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16. If any tainted or unwholesome fish shall be offered for sale in the said public market, it shall be the duty of the said Clerk of the Market or his deputy to seize and have the same either burnt or taken to sea and sunk; and if any tainted or unwholesome fish shall be offered for sale in any other place within the limits of Bridgetown, or within half a mile of the said limits, it shall be the duty of any police officer to seize and take the same to the said Clerk of the Market or his lawful deputy, to be dealt with as herein directed; and if any question shall arise whether the fish so seized is unwholesome or unfit for use, the said Clerk of the Market or his deputy shall call upon the medical surveyor to examine the fish so seized and to give his decision thereon, and the Clerk of the Market shall act according to such decision, which shall be final.

Unwholesome fish how to be dealt with.

17. The slaughter-house erected aback of the market premise shall be used as the slaughter-house of the public market of Bridgetown, and the provisions of this Act and the rules and regulations in force hereunder, and the tolls fixed for the killing and slaughtering of animals shall apply to the same.

Rules and regulations applicable to slaughter house.

18. In cases of necessity the Governor-in-Executive Committee may at any time take premises on rent for the purposes of a temporary slaughter-house or temporary public market.

Sanctions temporary arrangements if necessary.

19. The provisions of this Act and the rules and regulations already in force under any of the Acts hereby repealed or that may hereafter be made under the authority of this Act shall apply to the slaughter-house hereinbefore mentioned, also to any other premises which may at any time hereafter be taken on rent and held by the Executive Committee as a temporary slaughter-house or a temporary public market; but butchers using the slaughter-house so held on rent as aforesaid shall be exempt from the payment of tolls in respect thereof.

Former rules and regulations to apply to temporary slaughter-houses.

20. The public market and all other premises which may at any time be held under the authority of the Executive Committee as a slaughter-house or public market, shall be deemed and taken to be "public places" within the provisions of the law for punishing offences committed in "public places," but nevertheless without prejudice to the provisions of this Act.

All such slaughter-houses to be deemed public places.

Butchers and sale of butchers' meat.

21. Every person who shall be desirous of exercising Butchers to pro-

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duce certificate in writing and obtain annual licenses on payment of 32 shillings.

the trade of a butcher, by buying and killing animals for sale, shall produce to the Treasurer of this Island for the time being a certificate in writing, signed either by some Justice of the Peace, Clergyman, or Churchwarden of the parish to which he belongs and has a settlement in, that he is of fair reputation, and a fit person to carry on the trade of butcher, and if the said Treasurer shall be satisfied that such written statement or declaration bears the proper signature of such Justice of the Peace, Clergyman, or Churchwarden by whom the same purports to be signed, he shall give to the person in whose favour the same may have been made a printed license, signed and subscribed and numbered by himself as Treasurer, authorizing such person to carry on and exercise the trade of butcher in any part of the Island for one whole year from the date thereof, upon his paying into the Public Treasury for such license the sum of one pound twelve shillings sterling.

License for butchers who use the market only.

22. If any person at the time of applying to the said Treasurer for a license shall represent to the said Treasurer that it is his intention to kill and slaughter animals in the said public market only, then and in such case the said Treasurer shall demand and receive from such person the sum of four shillings and two pence sterling money of Great Britain and no more for such license.

Penalty on butchers with a market license slaughtering elsewhere than in the market.

23. It shall not be lawful for any person under the authority of a butchers' market license for which he has paid the sum of four shillings and two pence sterling only to kill and slaughter animals at any other place within this Island than at the said slaughter-house of the said public market, under a penalty of five pounds sterling money for each offence. And the Treasurer of the Island, at the time of issuing butchers' licenses under the authority and agreeably to the provisions of this present Act, shall set forth in such licenses the sums of money respectively paid for the same and the force and effect thereof, pursuant to the terms of this Act, and the said Treasurer shall furnish to the clerk of the market a list of the names of all persons to whom licenses shall be issued as aforesaid, and the nature thereof.

List of licenses to be furnished Clerk of the Market.

Penalty for not producing license if required.

24. Any person so exercising the trade of butcher shall at all times, when thereto required by any police officer, constable, Justice of the Peace, or parish officer, or the master or mistress in any house he shall call at, produce and exhibit his license, and in default thereof he shall be liable to a penalty of not exceeding one pound.

Penalty for exer-

25. If any person shall exercise the trade of butcher as

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aforesaid, without having obtained a license for that purpose in manner aforesaid, such person shall for every such offence be liable to a penalty not exceeding five pounds.

cising trade of
butcher without
license.

26. If any person shall forge any license to act as butcher or certificate required by this Act, or shall wilfully and knowingly make any false statement in such license or certificate, such person shall, on conviction before any Police Magistrate, be liable to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for a period not exceeding three months, or such person may be indicted for the same at the next Court of Grand Sessions then and there to be tried and, upon conviction thereof, to be punished at the discretion of the said court.

Forging license
or certificate &c.
penalty for.

27. If any person shall offer or expose for sale any tainted or unwholesome meat, or any meat inflated in the preparation in any other way than by means of a bellows, such person shall, on conviction thereof before any Police Magistrate, forfeit the said meat, and also be liable to a penalty not exceeding one pound, and if the offender be a licensed butcher he shall, in addition to such penalty, be deprived of his license by order of the committing Magistrate.

Penalty for ex-
posing for sale
unwholesome
meat or meat in-
flated except by
bellows.

28. No person who exercises the calling of killing, or of buying and killing, or causing to be killed, animals for sale, shall slaughter any animal at any place within the city of Bridgetown, or within one mile from the limits thereof, other than in the slaughter-house of the public market, or in a place licensed for the slaughtering of animals as hereinafter provided.

Butchers to
slaughter in
Bridgetown or
within one mile
of it, only at
certain slaught-
er-houses.

29. Within the city of Bridgetown, and within one mile from the limits thereof, no person shall expose for sale, and no person who exercises the calling of selling butchers' meat shall sell, butchers' meat obtained from any animal slaughtered at any place other than in the slaughter-house of the public market, or in a place licensed for the slaughtering of animals as hereinafter provided.

Meat sold with-
in above limits
to be obtained
only from ani-
mals slaught-
ered at such places.

30. Within the city of Bridgetown, and within one mile from the limits thereof, no person shall expose for sale, and no person who exercises the calling of selling butchers' meat shall sell, butchers' meat save in the public market, or in a place licensed for the sale of butchers' meat as hereinafter provided.

Butchers to sell
their meats with
in above limits
only at the pub-
lic market &c.

31. All animals slaughtered at the slaughter-house of the public market or at any licensed slaughter-house shall present when

Inspector to be
present when

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animals slaughtered and dressed in the presence of an inspector appointed under this Act.

Penal section.

32. Every person who infringes the provisions of either of the last four preceding sections of this Act shall for each offence be liable to a penalty not exceeding ten pounds.

License to use premises for sale of butchers' meat how obtained.

33. Any person may obtain from the Governor-in-Executive Committee a license or the renewal of a license to use any premises in the city of Bridgetown, or within one mile from the limits thereof for, the sale of butchers' meat on complying with the following conditions :—

(1) on paying into the Public Treasury the sum of twenty pounds ;

(2) on forwarding to the Governor-in-Executive Committee (a) a certificate in writing signed by two Justices of the Peace that the applicant is known to them, and is of good character and repute, and is, in their opinion, a fit and proper person to have a license, and also (b) a receipt from the Colonial Treasurer for the sum paid in by him ;

(3) on satisfying the Governor-in-Executive Committee that the premises to be used as a place for the sale of butchers' meat are suitable for that purpose.

License to use premises as a slaughter-house how obtained.

34. Any person may obtain from the Governor-in-Executive Committee a license or the renewal of a license to use any premises in the City of Bridgetown or within two miles from the limits thereof for the slaughter of animals for butchers' meat on complying with the following conditions :—

(1) on paying into the Public Treasury the sum of fifty pounds ;

(2) on forwarding to the Governor-in-Executive Committee (a) a certificate in writing signed by two Justices of the Peace that the applicant is known to them, and is of good character and repute, and is, in their opinion, a fit and proper person to have a license, and also (b) a receipt from the Colonial Treasurer for the sum paid in by him ;

(3) on satisfying the Governor-in-Executive Committee that the premises to be used as a place for the slaughter of animals for butchers' meat are suitable for that purpose.

Duration of licenses.

35. (1) Every license or renewed license granted under the last two preceding sections shall continue in force up to and inclusive of the fifteenth day of January in the year next succeeding the year in which it was issued, and

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shall authorize the person named therein to use the premises therein described as a place for the sale of butchers' meat or for the slaughter of animals for such meat.

(2) Any license holder may obtain from the Governor-in-Executive Committee a transfer of his license to premises other than those previously therein mentioned on satisfying the Governor-in-Executive Committee that the premises to which the license is to be transferred are suitable.

36. The Governor-in-Executive Committee shall from time to time appoint, as there shall be occasion to carry into effect the provisions of this Act, an inspector, so far as concerns the public market, at a salary of not exceeding one hundred and fifty pounds per annum, and a sub-inspector for each licensed slaughter-house at a salary of not exceeding fifty pounds per annum, to be severally paid monthly from the Public Treasury on the warrant of the Governor-in-Executive Committee; provided that such inspectors shall be veterinary surgeons or other persons equally qualified to inspect meat.

Inspector to be appointed for the public market and a sub-inspector for each licensed slaughter-house.

37. The Governor-in-Executive Committee shall have the premises for which a license is asked inspected by an inspector so as to ascertain whether such premises are suitable for use as a place for the sale of butchers' meat or for the slaughter of animals for such meat.

Premises for which a license is asked to be inspected by inspector.

38. It shall be the duty of the inspectors to inspect (1) all animals slaughtered in the public market or in any place duly licensed for the purpose before they are slaughtered, and also all places licensed under this Act for the sale of butchers' meat; (2) all butchers' meat obtained from such animals before it is sold or exposed for sale, and the other portions of the animals from which it is obtained, so as to ascertain whether such butchers' meat is fit for human food; (3) to pay surprise visits to any place where butchers' meat is sold or exposed for sale with a view to discovering whether the provisions of this Act are being complied with—such inspectors being hereby authorized to enter and inspect for that purpose any such place; and (4) to prosecute all persons whom, from their own knowledge or from information received, they reasonably suspect of being guilty of any breach of this Act.

Duties of inspectors.

39. If any butchers' meat on such inspection as aforesaid is in the opinion of the inspector unfit for human food, he shall seize the same and immediately give notice of such

Butchers' meat deemed unfit for human food how dealt with.

Market and Butchers Act.

Enquiry as to its state. seizure to the owner of the meat, or his agent, and at the expiration of one hour after such notice, if no question shall have been raised by such owner or his agent whether the meat so seized is unfit for human food, cause it to be destroyed or taken to sea and sunk; and if any question shall arise whether the meat so seized is unfit for human food, the inspector shall call the medical surveyor to examine the meat so seized and to give his decision thereon, and shall act in accordance with such decision, which shall be final.

Expenses of such inquiry. **40.** The expenses of such inquiry shall, if the decision is adverse to the owner of the meat, be paid by such owner and shall be recovered from him in a summary manner before a Police Magistrate on the complaint of the inspector and paid into the Public Treasury; provided always such expenses shall not be paid by such owner if the medical surveyor shall certify that the question as to the fitness of the meat for human food was not unreasonably or vexatiously raised.

Rules and regulations to be made by Governor-in-Executive Committee. **41.** The Governor-in-Executive Committee shall have power, as often as may be necessary, to make, alter, or revoke rules and regulations for the good government of the public market, of all licensed slaughter-houses, and licensed places for the sale of butchers' meat, for carrying out the provisions of this Act, and for the transit of butchers' meat in the City of Bridgetown and one mile from the limits thereof; and such rules may provide for the forfeiture and disposal of butchers' meat dealt with contrary to the provisions of this Act or of the rules.

Rules to be published in Official Gazette. **42.** All rules made by the Governor-in-Executive Committee under the provisions of the last preceding section shall be published three times in the Official Gazette, and shall then have the force and effect of law.

Penalty for infringement of a rule. **43.** Any person infringing the provisions of any rule made under the provisions of this Act shall be liable to a penalty not exceeding ten pounds.

Prosecution of offences. **44.** Any offence under and any penalty imposed by this Act may be respectively prosecuted and recovered in a summary manner before any Police Magistrate on the complaint of the Clerk of the Market or an inspector appointed under this Act or any member of the police force.

Disposal of penalties. **45.** One third of every penalty recovered under this Act shall be paid to the person, not being the Clerk of the Market or inspector, on whose information the offender was

Market and Butchers Act.

convicted, and one other third to the person on whose prosecution such offender was convicted, and the remaining one third shall be paid into the Public Treasury to the credit of the general revenue.

46. In any prosecution for any offence under this Act, where the matter is in issue, the onus of proving the butchers' meat sold or exposed for sale was obtained from an animal slaughtered at the slaughter-house of the public market, or at a licensed slaughter-house, shall lie on the accused.

Unus probandi in prosecution lies on accused.

47. The Police Magistrate shall issue all summonses, writs, or other necessary legal documents, required by the Clerk of the Market or an inspector or any member of the police force in discharging his duties under this Act, free of all cost or charge to him, and costs shall not be imposed on the Clerk of the Market or the inspector or any member of the police force prosecuting complaints under this Act, unless such complaints be dismissed and are deemed by the court to be frivolous and vexatious.

Cost of prosecutions by inspectors.

48. Nothing in this Act shall prevent the slaughter at any place in the City of Bridgetown, or within one mile from the limits thereof, other than the public market, or a licensed slaughter-house, by any person without a license of any animal reared by himself, and the sale of the meat of such animal; provided that such meat shall not be exposed for sale in the public market, or at any place in the City of Bridgetown or within one mile from the limits thereof.

Persons may without license kill and sell in any place animals reared by themselves, but may not expose for sale the meat within Bridgetown &c.

49. All persons who shall slaughter in the said public market, or shall sell therein any butchers' meat, fresh fish, poultry, roots, vegetables, fruit, or other articles or things, shall pay to the Clerk of the Market the rates and tolls set forth in the schedule to this Act annexed; provided always that it shall be lawful for the Executive Committee, from time to time, to alter or annul the said rates and tolls or any or all of them, and such alteration or annulment shall take effect at the end of six weeks next after the publication thereof in the Official Gazette of this Island.

Table of dues on slaughtering or selling in the market.

50. The rents due and to become due for the separate rooms at the public market set apart for the sale of goods at the rate fixed and to be fixed by the Executive Committee, and also for any other rooms which may hereafter be set apart by the said Committee for the purpose aforesaid, shall be paid to the Clerk of the Market for the public uses of the Island. And the said Clerk of the Market shall

Rents due for the separate rooms at the public market how fixed &c.

1890—19.

Market and Butchers Act.

Recovery of same.

have the same remedies for recovery of such rents as appertain to any landlord to recover rent from his tenants.

SCHEDULE.

TOLLS TO BE TAKEN AND RECEIVED AT THE PUBLIC MARKET PLACE.

Killing and slaughtering animals in the slaughter-house and for selling meat thereof within the market :—

	S.	D.
For each head of horned cattle.....	1	0
For each calf, sheep, goat or hog.....	0	3
Fresh fish, poultry, roots, vegetables, fruit, or other articles, or other things brought into the market for sale :—		
For each basket or other package if brought in by one person only.....	0	1½
If brought in by more than one person, for each person.....	0	1½
If brought in by a waggon.....	1	0
If brought in by a cart drawn by cattle, horses, or mules.....	0	8
If by a donkey cart.....	0	3

1891 -- 1.

An Act to consolidate and amend the Acts of this Island relating to Wills.

[26 February 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

Short title.

1. This Act may be cited as the Wills Act 1891.

Interpretation.

Definition of the

2. The words and expressions hereinafter mentioned,

Wills Act.

which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say), the word "will" shall extend to a testament and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament, or devise of the custody and tuition of any child; and the words "real estate" shall extend to messuages, lands, rents, and hereditaments, whether freehold or of any other tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and the words "personal estate," shall extend to leasehold estates and other chattels real, and also to moneys, shares of Government and other funds, securities for moneys (not being real estate), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein.

words "will,"
"real estate,"
and "personal
estate."

Requisites for validity.

3. All devises and bequests of any lands or tenements, any ways devisable, shall be in writing and signed or acknowledged by the party so devising the same, or signed by some other person in his presence, and by his express directions, and shall be attested and subscribed in the presence, sight, or hearing of the said testator, by two or more credible witnesses, or else they shall be utterly void and of none effect. Provided always that nothing in this Act contained shall extend, or be construed to extend, to any last will or testament, devise or bequest, which shall be written throughout in the proper handwriting of the testator or devisor. And moreover, no devise in writing of lands, tenements, or hereditaments, or any clause thereof shall, at any time after the commencement of this Act, be revocable otherwise than by some other will or codicil in writing, or other writing declaring the same, or by burning, cancelling, tearing, or obliterating the same by the testator himself or in his presence, and by his directions and consent; but all devises and bequests of lands and tenements shall remain and continue in force until the same be burned, cancelled, or torn, or obliterated by the testator or his directions in manner aforesaid; or unless the same be altered by some other will or codicil in writing, or other writing of the devisor, signed in the presence of two or more

All devises to be
in writing signed
by the party,
&c., and attest-
ed by two or
more witnesses.

Not to extend to
wills, &c., writ-
ten throughout
in the handwrit-
ing of the testa-
tor.

No devise in
writing revoca-
ble but by some
other will or co-
dicil in writing
or by cancelling,
tearing, &c.

Wills Act.

witnesses, declaring the same ; any law or usage to the contrary notwithstanding.

No nuncupative will good where the estate exceeds £30 unless proved by three witnesses, &c.
Nor unless made in the last sickness of, and where the deceased had been resident ten days ; except he died from home.

4. No nuncupative will shall be good, where the estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oaths of three witnesses at the least that were present at the making thereof, nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them, bear witness that such was his will or to that effect, nor unless such nuncupative will were made in the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where he or she had been resident for the space of ten days or more next before the making of such will, except where such person was surprised or taken sick, being from his own home, and died before he returned to the place of his or her dwelling.

No testimony received to prove any nuncupative will unless committed to writing within six days after the testament.

5. After six months passed after the speaking of the testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony, or the substance thereof, were committed to writing within six days after the making of the said will, and all such witnesses as are or ought to be allowed to be good witnesses, upon trials at law, by the laws and customs of the realm, shall be deemed good witnesses to prove any nuncupative will.

When nuncupative will shall be received to be proved, &c.

6. No letters testamentary or probate of any nuncupative will shall be granted or allowed of until fourteen days at the least after the decease of the testator be fully expired ; nor shall any nuncupative will be at any time received to be proved, unless process have first issued to call in the widow or next of kindred to the deceased, to the end they may contest the same if they please.

No written will concerning personal estate shall be altered by words not put in writing, and allowed by the testator.

7. No will in writing concerning any goods, or chattels, or personal estate shall be repealed, nor shall any clause, devise, or bequest therein be altered or changed, by any words, or will by word of mouth only ; except the same be in the life of the testator committed to writing, and, after the writing thereof, read unto the testator and allowed by him, and proved to be so done by two or more credible witnesses.

Proviso.

Provided always, that notwithstanding this Act, any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his moveables, wages, and personal estate, as he or they might have done before the making of this Act.

Wills Act.

8. The Act made in the twenty fifth year of the reign of his late Majesty King George the Second, entitled "An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of wills and codicils concerning real estates in that part of Great Britain called England and in his Majesty's colonies and plantations in America," whereby it is declared that "the said Act, and all clauses, matters, and things therein, shall extend to such of the British colonies and plantations in America, where the Act of the 29th Car. II. viz :—for prevention of frauds and perjuries, is by Act of Assembly made, or by usage received as a law; or where the attestation and subscription of a witness or witnesses are made necessary to devise of lands, tenements, or hereditaments, and shall have the same force in the construction of or for the avoiding of doubts upon the said Acts of Assembly, and laws of the said colonies and plantations, as the same ought to have in the construction of or for avoiding of doubts upon the said Act of 29th Car. II. in England," shall be in force in this Island to all intents and purposes whatsoever, so far as the said statute of the 29th Car. II. is hereby meant, mentioned, or intended to be put in force in the said Island.

Declares the stat.
25 Geo. 2 shall
be in full force
in this Island so
far as the said
stat. 29 Car. 2
is hereby meant.

Effect and Construction.

9. It shall be lawful for every person to devise, bequeath, or dispose of by his will all real estate, and all personal estate, which he shall be entitled to, either at law or in equity, at the time of his death, and which if not so devised, bequeathed, or disposed of would devolve upon the heir-at-law of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator; and the power hereby given shall extend also to estates pur autre vie, whether there shall or shall not be any special occupant thereof, and whether the same shall be freehold or of any other tenure, and whether the same shall be a corporeal or incorporeal hereditament, and also to all contingent, executory, or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person, or one of the persons, in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created, or under any disposition thereof by deed or will, and also to all rights of entry for conditions broken, and other rights of entry, and also to such of the same estates interests and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death,

All property
may be disposed
of by will.

Estates pur
autre vie.

Contingent in-
terests.

Rights of entry,
and property
acquired after
making of will.

Wills Act.

notwithstanding that he may become entitled to the same subsequently to the execution of his will.

A devise not to be rendered inoperative by any subsequent conveyance or act.

10. No conveyance or other act made or done subsequently to the execution of a will of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

Will shall be construed to speak from the death of testator.

11. Every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

A residuary devise shall include estates comprised in lapsed and void devises.

12. Unless a contrary intention shall appear by the will, such real estate or interest therein, as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

A general devise of the testator's lands shall include leasehold as well as freehold lands.

13. A devise of the land of the testator, or of the land of the testator in any place, or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a leasehold estate if the testator had no freehold estate which could be described by it, shall be construed to include the leasehold estates of the testator as well as freehold estates, unless a contrary intention shall appear by the will.

A general gift shall include estates over which the testator has a general power of appointment.

14. A general devise of the real estate of the testator, or of the real estate of the testator in any place, or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal property described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may

Wills Act.

think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

15. Where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

Devise without any words of limitation shall be construed to pass the fee.

16. In any devise or bequest of real or personal estate, the words "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift, being, without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise: provided that this Act shall not extend to cases where such words as aforesaid import if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

The words "die without issue" shall be construed to mean die without issue living at the death.

Proviso.

17. Where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years absolute or determinable, or any estate of freehold, shall thereby be given to him expressly or by implication.

Devise of real estate to trustee or executor to pass the fee simple unless a definite term is stated.

18. Where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

Trustees under an unlimited devise, where the trust may endure beyond the life of a person beneficially entitled for life, to take the fee

1891—1.

Wills Act.

Devises of estate
tail not to lapse.

19. Where any person, to whom any real estate shall be devised for an estate tail or an estate in quasi entail, shall die in the lifetime of the testator leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Gifts to children,
or other issue,
who leave issue
living at the
testator's death,
not to lapse.

20. Where any person, being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Extent of Act.

Act not to ex-
tend to estates
pur autre vie
of persons who
die before 14
August 1869.

21. Sections nine to twenty inclusive of this Act shall not extend to any will made before the fourteenth day of August one thousand eight hundred and sixty nine, and every will re-executed, or re-published, or revived by any codicil, shall for the purposes of the said sections be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived, and the said sections shall not extend to any estate pur autre vie of any person who shall have died before the said fourteenth day of August.

1891—2.

An Act to consolidate and amend the Acts of this Island relating to Limitation and Prescription.

[26 February 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

Short title.

1. This Act may be cited as the Limitation and Prescription Act, 1891.

*Limitation and Prescription Act.**Interpretation.*

2. The words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows, that is to say; the word "land" shall extend to messuages and all other corporeal hereditaments whatsoever, and also to any share, estate, or interest in them or any of them, whether the same shall be a freehold or a chattel interest; the word "rent" shall extend to all services and suits for which a distress may be made, and to all annuities and periodical sums of money charged upon or payable out of any land; and the person through whom another person is said to claim shall mean any person by, through, or under, or by the act of whom the person so claiming became entitled to the estate or interest claimed as heir, issue in tail, tenant by the curtesy of England, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee, or otherwise; and the word "person" shall extend to a body politic, corporate, or collegiate, and to a class of creditors or other persons as well as an individual.

Meaning of words in the Act.

Limitation.

3. From and after the passing of this Act no person shall make an entry or distress or bring an action to recover any land or rent but within ten years next after the time at which the right to make such entry or distress or to bring such action shall have first accrued to some person through whom he claims, or if such right shall not have accrued to any person through whom he claims, then within ten years next after the time at which the right to make such entry or distress, or to bring such action shall have first accrued to the person making or bringing the same.

No land or rent to be recovered but within ten years after the right of action accrued to the claimant or some person whose estate he claims.

4. In the construction of this Act the right to make an entry or distress or bring an action to recover any land or rent shall be deemed to have first accrued at such time as hereinafter mentioned; that is to say, when the person claiming such land or rent, or some person through whom he claims, shall, in respect of the estate or interest claimed, have been in possession or in receipt of the profits of such land, or in receipt of such rent, and shall, while entitled thereto, have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discon-

Where the right shall be deemed to have accrued.

Limitation and Prescription Act.

tinuance of possession, or at the last time at which any such profits or rent were or was so received; and when the person claiming such land or rent shall claim the estate or interest of some deceased person, who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such land or rent shall claim in respect of an estate or interest in possession granted, appointed, or otherwise assured by any instrument (other than a will) to him or some person through whom he claims by a person being, in respect of the same estate or interest, in the possession or receipt of the profits of the land, or in the receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument; and when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land, or the receipt of such rent in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession; and when the person claiming such land or rent, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition was broken.

Where advantage of forfeiture is not taken by remainderman, he shall have a new right when his estate comes into possession.

5. When any right to make an entry or distress or to bring an action to recover any land or rent, by reason of any forfeiture or breach of condition, shall have first accrued in respect of any estate or interest in reversion or remainder, and the land or rent shall not have been recovered by virtue of such right, the right to make an entry or distress or bring an action to recover such land or rent shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

Reversioner to have a new right.

6. A right to make an entry or distress or to bring an action to recover any land or rent shall be deemed to have

Limitation and Prescription Act.

first accrued, in respect of an estate or interest in reversion, at the time at which the same shall have become an estate or interest in possession by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land or some person through whom he claims shall, at any time previously to the creation of the estate or estates which shall have determined, have been in possession or receipt of the profits of such land, or in receipt of such rent.

7. For the purposes of this Act, an administrator claiming the estate or interest of the deceased person of whose chattels he shall be appointed administrator shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

An administrator to claim as if he obtained an estate without interval after death of deceased.

8. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant at will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress or bring an action to recover such land or rent, shall be deemed to have first accrued either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined. Provided always, that no mortgagor or cestui que trust shall be deemed to be a tenant at will within the meaning of this clause to his mortgagee or trustee.

In the case of a tenant at will, the right shall be deemed to have accrued at the end of one year.

9. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress or to bring an action to recover such land or rent, shall be deemed to have first accrued at the determination of the first of such years or other periods, or at the last time when any rent payable in respect of such tenancy shall have been received, which shall last happen.

No person after a tenancy from year to year to have any right but from the end of the first year or last payment of rent.

10. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, by virtue of a lease in writing, by which a rent amounting to the yearly sum of twenty shillings or upwards shall be reserved, and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land or rent in reversion immediately expectant on

Where rent amounting to 20s. reserved by a lease in writing shall have been wrongfully received, no right to accrue

Limitation and Prescription Act.

on the determination of the lease. the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land or rent subject to such lease, or of the person through whom he claims, to make an entry or distress or to bring an action after the determination of such lease, shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid, and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

A mere entry not to be deemed possession:

11. No person shall be deemed to have been in possession of any land within the meaning of this Act merely by reason of having made an entry thereon.

No right to be preserved by continual claim.

12. No continual or other claim upon or near any land shall preserve any right of making an entry or distress, or of bringing an action.

Possession of one coparcener, &c., not to be the possession of the others.

13. When any one or more of several persons entitled to any land or rent as coparceners, joint tenants, or tenants in common shall have been in possession or receipt of the entirety or more than his or their undivided share or shares of such land or of the profits thereof, or of such rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last-mentioned person or persons, or any of them.

Possession of a younger brother not to be the possession of the heir.

14. When a younger brother or other relation of the person entitled as heir to the possession or receipt of the profits of any land, or to the receipt of any rent, shall enter into the possession or receipt thereof, such possession or receipt shall not be deemed to be the possession or receipt of or by the person entitled as heir.

Acknowledgment to person entitled or his agent to be equivalent to possession or receipt of rent.

15. When any acknowledgment of the title of the person entitled to any land or rent shall have been given to him, or his agent, signed by the person in possession or in receipt of the profits of such land, or in receipt of such rent, then such possession or receipt of or by the person by whom such acknowledgment shall have been given shall be deemed, according to the meaning of this Act, to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given at the time of giving the same, and the right of such last-mentioned person, or any person claiming through him, to make an entry or distress or bring an action to recover such land or rent shall be deemed

Limitation and Prescription Act.

to have first accrued at, and not before, the time at which such acknowledgment, or the last of such acknowledgments if more than one, was given.

16. If at the time at which the right of any person to make an entry or distress or to bring an action to recover any land or rent shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned, that is to say, infancy, coverture, idiocy, lunacy, or unsoundness of mind, then such person, or the person claiming through him, may, notwithstanding the period of ten years hereinbefore limited shall have expired, make an entry or distress or bring an action to recover such land or rent at any time within five years next after the time at which the person to whom such right shall first have accrued as aforesaid shall have ceased to be under any such disability, or shall have died, which shall have first happened.

Person under disability of infancy, lunacy, coverture, and their representatives to be allowed five years from the termination of their disability or death.

17. No entry, or distress, or action shall be made or brought by any person who, at the time at which his right to make an entry or distress, or bring an action to recover any land or rent, shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within twenty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such twenty years, or although the term of five years from the time at which he shall have ceased to be under any such disability, or have died, shall not have expired.

But no action, &c. shall be brought beyond 20 years after the right of action accrued.

18. When any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or distress or bring an action to recover any land or rent shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or distress or bring an action to recover such land or rent beyond the said period of ten years next after the right of such person to make an entry or distress, or to bring an action to recover such land or rent shall have first accrued, or the said period of five years next after the time at which such person shall have died, shall be allowed by reason of any disabilities of any other person.

No further time to be allowed for a succession of disabilities.

19. When the right of any person to make an entry or distress or bring an action to recover any land or rent to an estate in

When the right to an estate in

Limitation and Prescription Act.

possession is barred, the right of the same person to future estates shall also be barred.

which he may have been entitled for any estate or interest in possession shall have been barred by the determination of the period hereinbefore limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other estate, interest, right, or possibility in reversion, remainder, or otherwise, in or to the same land or rent, no entry, distress, or action shall be made or brought by such person, or any person claiming through him, to recover such land or rent in respect of such other estate, interest, right, or possibility, unless in the meantime such land or rent shall have been recovered by some person entitled to an estate, interest, or right, which shall have been limited, or taken effect after or in defeasance of such estate or interest in possession.

Where tenant in tail is barred, remaindermen whom he might have barred shall not recover.

20. When the right of a tenant in tail of any land or rent to make an entry or distress or to bring an action to recover the same shall have been barred by reason of the same not having been made or brought within the period hereinbefore limited, which shall be applicable in such case, no such entry, distress, or action shall be made or brought by any person claiming any estate, interest, or right which such tenant in tail might lawfully have barred.

Possession adverse to a tenant in tail shall run on against the remaindermen whom he might have barred.

21. When a tenant in tail of any land or rent entitled to recover the same shall have died before the expiration of the period hereinbefore limited, which shall be applicable in such case for making an entry or distress or bringing an action to recover such land or rent, no person claiming any estate, interest, or right which such tenant in tail might lawfully have barred, shall make an entry or distress or bring an action to recover such land or rent but within the period during which, if such tenant in tail had so long continued to live, he might have made such entry or distress or brought such action.

Where there shall have been possession under any assurance by a tenant in tail which shall not bar the remainders, they shall be barred at the end of ten years after the time when the assurance, if then executed, would have barred them.

22. When a tenant in tail of any land or rent shall have made an assurance thereof which shall not operate to bar an estate or estates to take effect after or in defeasance of his estate tail, and any person shall by virtue of such assurance, at the time of the execution thereof, or at any time afterwards, be in the possession or receipt of the profits of such land, or in the receipt of such rent, and the same person, or any other person whatsoever (other than some person entitled to such possession or receipt in respect of an estate which shall have taken effect after or in defeasance of the estate tail), shall continue or be in such possession or receipt for the period of ten years next after the commencement of the time at which such assurance, if it had then

Limitation and Prescription Act.

been executed by such tenant in tail, or the person who would have been entitled to his estate tail if such assurance had not been made, would, without the consent of any other person, have operated to bar such estate or estates as aforesaid, then, at the expiration of such period of ten years, such assurance shall be and shall be deemed to have been effectual as against any person claiming any estate, interest, or right to take effect after or in defeasance of such estate in tail.

23. No person claiming any land or rent in equity shall bring any suit to recover the same but within the period during which, by virtue of the provisions hereinbefore contained, he might have made an entry or distress or brought an action to recover the same respectively, if he had been entitled at law to such estate, interest, or right in or to the same as he shall claim in or to the same in equity.

No suit in equity to be brought after the time when the plaintiff, if entitled at law, might have brought an action.

24. When any land or rent shall be vested in a trustee upon any express trust, the right of the cestui que trust, or any person claiming through him, to bring a suit against the trustee, or any person claiming through him, to recover such land or rent, shall be deemed to have first accrued, according to the meaning of this Act, at and not before the time at which such land or rent shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser or any person claiming through him.

In case of express trust the right shall not be deemed to have accrued until a conveyance to a purchaser.

25. In case of a concealed fraud, the right of any person to bring a suit in equity for the recovery of any land or rent of which he, or any person through whom he claims, may have been deprived by such fraud, shall be deemed to have first accrued at and not before the time at which such fraud shall or with reasonable diligence might have been first known or discovered; provided that nothing in this clause contained shall enable any owner of lands or rents to have a suit in equity for the recovery of such lands or rents, or for setting aside any conveyance of such lands or rents, on account of fraud against any bona fide purchaser for valuable consideration who has not assisted in the commission of such fraud, and who at the time he made the purchase did not know, or had no reason to believe, that any such fraud had been committed.

In case of fraud no time shall run whilst the fraud remains concealed.

26. Nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of courts of equity in refusing relief on the grounds of acquiescence, or otherwise, to any person whose right to bring a suit may not be barred by virtue of this Act.

Saving the jurisdiction of equity on the ground of acquiescence or otherwise.

Limitation and Prescription Act.

Mortgagor to be barred at the end of 10 years from the time when the mortgagee took possession or from the last written acknowledgment.

27 When a mortgagee shall have obtained the possession or receipt of the profits of any land or the receipt of any rent comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit to redeem the mortgage but within ten years next after the time at which the mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment of the title of the mortgagor, or of his right of redemption, shall have been given to the mortgagee, or some person claiming his estate, or to the agent of such mortgagor or person, in writing signed by the mortgagee, or some person claiming through him; and in such case no such suit shall be brought but within ten years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given; and when there shall be more than one mortgagor, or more than one person claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but where there shall be more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment signed by one or more of such mortgagees or persons shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage-money or land or rent by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land or rent; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage-money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land or rent on payment, with interest, of the part of the mortgage-money which shall bear the same proportion to the whole of the mortgage-money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in the mortgage.

Mortgagees of land may recover within 20 years

28. It shall and may be lawful for any person entitled to or claiming under any mortgage of land, being land

Limitation and Prescription Act.

within the definition contained in the second section of this Act, to make an entry or bring an action at law or suit in equity to recover such land at any time within twenty years next after the last payment of any part of the principal money or interest secured by such mortgage, or within twenty years after some acknowledgment of the right thereto shall have been given in writing, signed by the person by whom the same shall be payable, or his agent, to the person entitled thereto, or his agent, although more than ten or even twenty years may have elapsed since the time at which the right to make such entry or bring such action or suit in equity shall have first accrued, anything in this Act notwithstanding.

after the last payment of any part of principal or interest, or within 20 years of acknowledgment.

29. At the determination of the period limited by this Act to any person for making an entry or distress, or bringing an action or suit, the right and title of such person to the land or rent for the recovery whereof such entry, distress, action or suit respectively might have been made or brought within such period, shall be extinguished.

At the end of the period of limitation the right of the party out of possession to be extinguished.

30. The receipt of the rent payable by any tenant from year to year, or other lessee, shall, as against such lessee, or any person claiming under him (but subject to the lease), be deemed to be the receipt of the profits of the land for the purposes of this Act.

Receipt of rent to be deemed receipt of profits.

31. No descent cast, discontinuance, or warranty shall toll or defeat any right of entry or action for the recovery of land.

No descent warranty, &c. to bar a right of entry.

32. No action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within twenty years next after a present right to receive the same shall have accrued to some person entitled to the same, unless in the meantime some part of the principal money or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person by whom the same shall be payable, or his agent, to the person entitled thereto, or his agent; and in such case no such action or suit or proceeding shall be brought but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one, was given.

Money charged on land and legacies to be deemed satisfied at the end of 20 years if there shall be no interest paid or acknowledgment in writing in the meantime.

33. Nothing in this Act shall be construed to give to any person any right of entry, distress, action;

Nothing in this Act shall give to any person any

Limitation and Prescription Act.

right of entry, &c. for the recovery of any land, rent, or money, who shall be barred by the law now in force.

or suit for the recovery of any land or rent, or any money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, who shall be barred by the laws of this Island now in force from making any such entry or distress or bringing any action or suit for the recovery thereof.

20 years to bar claims to personal estates of intestates.

34. No action or suit or other proceeding shall be brought to recover the personal estate or any share of the personal estate of any person dying intestate possessed by the legal personal representative of such intestate, but within twenty years next after a present right to receive the same shall have accrued to some person entitled to the same, unless in the meantime some part of such estate or share or some interest in respect thereof shall have been accounted for or paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person accountable for the same, or his agent, to the person entitled thereto, or his agent, and in such case no such action or suit or proceeding shall be brought but within twenty years after such accounting payment, or acknowledgment, or the last of such accountings payments or acknowledgments, if more than one, was made or given.

Prescription.

Prescription &c. to any right of way, water-course &c., if enjoyed for 20 years may in certain cases be defeated, but if for 40 years are indefeasible.

35. No claim which may be lawfully made at the common law, by custom, prescription, or grant, to any way or other easement, or to any watercourse, or to the use of any water, to be enjoyed or derived upon, over, or from any land or water, being the property of any person or body corporate, when such way or other matter as herein last before mentioned shall have been actually enjoyed by any person claiming right thereto, without interruption for the full period of twenty years, shall be defeated or destroyed by showing only that such way or other matter was first enjoyed at any time prior to such period of twenty years, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated; and where such way or other matter as herein last before mentioned shall have been so enjoyed as aforesaid for the full period of forty years, the right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some consent or agreement expressly given or made for that purpose by deed or writing.

Claims to the use of light en-

36. When the access and use of light to and for any dwelling house, workshop, or other building shall have been

Limitation and Prescription Act.

actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

joyed for 20 years indefeasible unless by express consent.

37. Each of the respective periods of years in the two preceding sections mentioned shall be deemed and taken to be the period next before some suit or action wherein the claim or matter to which such period may relate shall have been or shall be brought into question, and no act or other matter shall be deemed to be an interruption within the meaning of this Act, unless the same shall have been or shall be submitted to or acquiesced in for one year after the party interrupted shall have had or shall have notice thereof, and of the person making or authorizing the same to be made.

Before-mentioned periods to be deemed those next before suits for claims to which such periods relate.

38. In all actions upon the case and other pleadings wherein the party claiming may now by law allege his right generally without averring the existence of such right from time immemorial, such general allegation shall still be deemed sufficient, and, if the same shall be denied, all and every the matters in this Act mentioned and provided, which shall be applicable to the case, shall be admissible in evidence to sustain or rebut such allegations; and in all pleadings to actions of trespass, and in all other pleadings wherein before the passing of this Act it would have been necessary to allege the right to have existed from time immemorial, it shall be sufficient to allege the enjoyment thereof as of right by the occupiers of the tenement in respect whereof the same is claimed for and during such of the periods mentioned in this Act as may be applicable to the case, and without claiming in the name or right of the owner of the fee, as is now usually done; and if the other party shall intend to rely on any proviso, exception, incapacity, disability, contract, agreement, or other matter hereinbefore mentioned, or on any cause or matter of fact or of law not inconsistent with the simple fact of enjoyment, the same shall be specially alleged and set forth in answer to the allegation of the party claiming, and shall not be received in evidence on any general traverse or denial of such allegation.

In actions on the case claimant may allege right generally.

In pleas to trespass, &c., where party used to allege claim from time immemorial, the period mentioned in this Act may be alleged, and exceptions or other matters to be replied specially.

39. In the several cases mentioned in and provided for by the four preceding sections of this Act, no presumption shall be allowed or made in favour or support of any claim, upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time or number of years

Restricting presumption to be allowed in support of claim.

Limitation and Prescription Act.

than for such period or number mentioned in this Act as may be applicable to the case and to the nature of the claim.

Provision as to
infants, idiots,
feme covert,
&c.

40. The time during which any person otherwise capable of resisting any claim to any of the matters in the five preceding sections mentioned shall have been or shall be an infant, idiot, non compos mentis, feme covert, or tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

What time to be
excluded in com-
puting the term
of 40 years ap-
pointed by this
Act.

41. When any land or water upon over or from which any such way or other easement, watercourse, or use of water shall have been or shall be enjoyed or derived, hath been or shall be held under or by virtue of any term of life, or any term of years exceeding three years from the granting thereof, the time of the enjoyment of any such way or other matter as herein last before-mentioned, during the continuance of such term, shall be excluded in the computation of the said period of forty years, in case the claim shall within three years next after the end or sooner determination of such term be resisted by any person entitled to any reversion expectant on the determination thereof.

An Act to consolidate and amend the Acts of this Island relating to Inheritance.

[26 February 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Inheritance Act, 1891.

Meaning of
words in the
Act.

2. The words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows (that is to say) :—

‘Land,’

“land” shall extend to messuages, and all other heredi-

Inheritance Act.

taments, whether corporeal or incorporeal, and whether freehold or of any other tenure, and to money to be laid out in the purchase of land, and to chattels and other personal property transmissible to heirs, and to any share of the same hereditaments and properties or any of them, and to any estate of inheritance, or estate for any life or lives, or other estate transmissible to heirs, and to any possibility, right, or title of entry or action, and any other interest capable of being inherited, and whether the same estates, possibilities, rights, titles, and interests, or any of them, shall be in possession, reversion, remainder, or contingency ;

“ the purchaser ” shall mean the person who last acquired the land otherwise than by descent or than by any escheat, partition, or inclosure, by the effect of which the land shall have become part of or descendible in the same manner as other land acquired by descent ; ‘ The purchaser.’

“ descent ” shall mean the title to inherit land by reason of consanguinity as well where the heir shall be an ancestor or collateral relation, as where he shall be a child or other issue ; ‘ Descent.’

“ descendants ” of any ancestor shall extend to all persons who must trace their descent through such ancestor ; ‘ Descendants.’

“ the person last entitled to land,” shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the rents and profits thereof ; and ‘ Person last entitled.’

“ assurance ” shall mean any deed or instrument (other than a will) by which any land shall be conveyed or transferred at law or in equity. ‘ Assurance.’

3. In every case descent shall be traced from the purchaser ; and to the intent that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the land shall, for the purposes of this Act, be considered to have been the purchaser thereof, unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the purchaser, unless it shall be proved that he inherited the same ; and in like manner the last person from whom the land shall be proved to have been inherited shall in every case be considered to have been the purchaser, unless it shall be proved that he inherited the same. Descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser, unless the contrary be proved.

4. When any land shall have been devised by any testator, who shall have died after the twenty fourth of May one thousand eight hundred and fifty four, to the heir or to the heir entitled under a will shall take as devisee

Inheritance Act.

and a limitation to the grantor or his heirs shall create an estate by purchase. person who shall be the heir of such testator, such heir shall be considered to have acquired the land as a devisee and not by descent ; and when any land shall have been limited by any assurance executed after the said date to the person or to the heirs of the person who shall thereby have conveyed the same land, such person shall be considered to have acquired the same as a purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former estate or part thereof.

Where heirs take by purchase under limitations to the heirs of their ancestor, the land shall descend as if the ancestor had been the purchaser. 5. When any person shall have acquired any land by purchase under a limitation to the heirs or to the heirs of the body of any of his ancestors, contained in an assurance executed after the said twenty fourth of May, or under a limitation to the heirs or to the heirs of the body of any of his ancestors, or under any limitation having the same effect contained in the will of any testator who shall have departed this life after the said twenty fourth of May, then and in any of such cases such land shall descend, and the descent shall be traced, as if the ancestor named in such limitation had been the purchaser of such land.

Brothers, &c., shall trace descent through their parent. 6. No brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the parent.

Lineal ancestor to be heir in preference to collateral persons claiming through him. 7. Every lineal ancestor shall be capable of being heir to any of his issue; and in every case where there shall be no issue of the purchaser his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor, or in consequence of there being no descendant of such lineal ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal ancestor to any of his issue, other than a nearer lineal ancestor or his issue.

The male line to be preferred. 8. None of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants, shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed ; and also no female paternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male paternal ancestors and their descendants shall have failed ; and no female maternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed.

Inheritance Act.

9. Where there shall be a failure of male paternal ancestors of the person from whom the descent is to be traced and their descendants, the mother of his more remote male paternal ancestor, or her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male paternal ancestor or her descendants; and where there shall be a failure of male maternal ancestors of such person and their descendants, the mother of his more remote male maternal ancestor, and her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male maternal ancestor and her descendants.

The mother of the more remote male ancestor to be preferred to the mother of the less remote male ancestor.

10. Any person related to the person from whom the descent is to be traced by the half-blood shall be capable of being his heir; and the place in which any such relation by the half-blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole-blood and his issue, where the common ancestor shall be a male, and next after the common ancestor, where such common ancestor shall be a female, so that the brother of the half-blood on the part of the father shall inherit next after the sisters of the whole-blood on the part of the father and their issue, and the brother of the half-blood on the part of the mother shall inherit next after the mother.

Half-blood if on the part of a male ancestor to inherit after the whole-blood of the same degree; if on the part of a female ancestor, after her.

11. When the person from whom the descent of any land is to be traced shall have had any relation who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such land who would have been capable of inheriting the same by tracing his descent through such relation, if he had not been attainted,

After the death of a person attainted his descendants may inherit.

12. Where there shall be a total failure of heirs of the purchaser, or where any land shall be descendible as if an ancestor had been the purchaser thereof, and there shall be a total failure of the heirs of such ancestor, then and in every such case the land shall descend, and the descent shall thenceforth be traced, from the person last entitled to the land as if he had been the purchaser thereof.

Descent how to be traced on total failure of heirs.

1891—4.

Gaming Act.

1891—4.

An Act to consolidate and amend the Acts of this Island relating to Gaming.

[26 February 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

Short title.

1. This Act may be cited as the Gaming Act, 1891.

Gambling in public places.

Persons found gambling in any street, &c., liable to a penalty.

2. If any persons are found gambling at any hazard, or cock-fighting, in any of the streets, lanes, or alleys of any of the towns or villages of this Island, or on any road or wharf, or in any boat in any of the bays, creeks, or landing places of this Island, such persons shall on conviction thereof before any Police Magistrate be liable to a penalty not exceeding one pound each, together with the costs attending the trial, and in case the penalty and costs be not forthwith paid, the offender shall, by warrant under the hand of such Police Magistrate, be committed to prison, and kept to hard labour for any time not exceeding ten days, unless the penalty and costs be sooner paid. And it shall and may be lawful for any police or parish constable to apprehend without a warrant any person who may be found gambling or engaged in cock-fighting as aforesaid, and to bring or cause such person to be brought before a Police Magistrate at his office, to be dealt with according to law; and in case such office shall not be open, then to commit every such person to safe custody for the present; provided always that it shall be lawful for any sergeant or corporal of police to take bail for the appearance of such person instead of detaining him in custody as aforesaid.

Such person may be apprehended without warrant by a police or parish constable, &c.

Proviso.

Public houses and places of public resort may be entered on the Sabbath day by any constable where persons shall be suspected to be gambling.

3. It shall and may be lawful for any police or parish constable upon his own view of the fact, or on the information of any credible person, to enter into any public house, or place of public resort, where any persons shall be gambling, or be suspected to be gambling, on the Sabbath day, that is, from twelve of the clock on Saturday night to twelve of the clock on Sunday night, and to apprehend and detain such persons in custody at any police station, until such persons can be brought before a Police Magistrate at his office; and every person so apprehended and brought before such Police Magistrate shall, on conviction of the offence aforesaid, be dealt with as an offender under section two of this Act: provided always, that it shall be lawful for

Proviso.

[1891]
Gaming Act.

any sergeant or corporal of police to take bail for the appearance of such person, instead of detaining him in custody as aforesaid.

4. If any police or parish constable shall be guilty of neglect of duty in apprehending and bringing to trial any offender against the preceding provisions of this Act, every such police or parish constable shall, on conviction before a Police Magistrate, for every such neglect of duty, be dealt with as an offender under section two of this Act.

Police and parish constables neglecting their duty may be fined.

5. All fines and forfeitures incurred under the three preceding sections of this Act shall be to the public uses of this Island, and be paid into the Treasury.

Fines to be paid into the Public Treasury.

Encouraging gaming by servants &c.

6. Every person living in or having the use and command of any house, room, shop, yard, garden or back-yard, who shall directly or indirectly permit, suffer, or any ways encourage any person who he knows or is apprized is an apprentice or servant to another to play, bet, or attend any game or play, shall forfeit and pay to Her Majesty, her heirs and successors, for every such offence, for the use of the person aggrieved and complaining, a sum not exceeding five pounds, to be recovered and the payment enforced in a summary manner before a Police Magistrate, who is hereby empowered and required to use all legal methods for discovering the offence, and convicting the offender.

Persons permitting apprentices or servants playing or attending any game forfeit 5*l*.

7. Every person who shall be thrice convicted of the offence before-mentioned shall, upon every such third conviction, be adjudged by the said Magistrate to pay, over and above the forfeiture aforesaid, a penalty not exceeding fifteen pounds, to be paid into the Public Treasury.

A person thrice convicted of the said offence, besides the above forfeiture, is to pay 15*l*. to the Treasurer.

Lotteries.

8. If any person shall erect, set up, continue, or keep any office or place, under the denomination of a sale of houses, lands, plate, jewels, ships, goods, or other things by way of lottery, or by lots, tickets, numbers, or figures, cards, or dice; or shall print, write, advertise, or publish, or cause to be made, printed, written, advertised, or published, proposals or schemes for advancing small sums of money by several persons amounting in the whole to large sums, to be divided among them by chances of the prizes in any lottery or lotteries; or shall deliver out, or cause or procure to be delivered out, tickets to the persons advancing such sums, to entitle them to a share of the money so advanced,

No person to keep any place under the denomination of a sale of houses or goods by way of lottery &c., Or print proposals or deliver tickets, &c., under the penalty of 100*l*.

Gaming Act.

according to such proposals or schemes ; or shall expose to sale any houses, lands, plate, jewels, ships, goods, or other things, by any game, method, or device whatsoever, depending upon or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance of any kind whatsoever, such person shall upon being duly convicted thereof in a summary manner before any Police Magistrate be liable to a penalty not exceeding one hundred pounds, to be recovered by any informer who shall be entitled to one moiety of the said forfeiture, the other to be delivered to the Treasurer of this Island for the time being.

All games with dice, or device in the nature of dice, to be deemed games within this Act.

9. All games invented or to be invented, with one or more dice, or with any other instrument, engine, or device in the nature of dice, having one or more figures or numbers thereon, are and shall be deemed to be games or lotteries by dice within the intent and meaning of the preceding section of this Act ; and every person who shall set up, maintain, or keep any office, table, or place for any game however known, called, or distinguished, shall be liable to a penalty not exceeding one hundred pounds, to be recovered in manner and for the uses aforesaid.

Sales of houses, &c., by any game depending on chance void, and such houses &c. to be forfeited and divided. And in all suits for any of the above matters the plaintiff to have his full costs.

10. All sales hereafter made of houses, lands, plate, jewels, ships, goods, or other things by any game, lottery or lotteries, machine, engine, or other device whatsoever, depending upon or to be determined by chance or lot, shall and are hereby declared to be void to all intents and purposes whatsoever ; and all such houses, lands, plate, jewels, ships, goods, and other things set up and exposed to sale in manner and form aforesaid, shall be forfeited, recovered, and divided in manner aforesaid, and in all proceedings for any the matters aforesaid the plaintiff or informant shall recover his full costs of suit.

Nothing herein to prejudice any estate which may be legally allotted or held by lot.

11. Nothing in the two preceding sections of this Act contained shall extend in any sort to affect or prejudice any estate or interest in, out of, or to any lands, tenements, or other estate or effects, which shall or may at any time hereafter be legally allotted to or held by, or by means of, any allotment or partition by lots ; but all persons who now are or hereafter shall become really and truly seised as part owners, joint tenants, and tenants in common of any lands, tenements, or other estate or effects, shall, and they and their heirs executors administrators and assigns are hereby made and continued capable to, accept and take such estates and interests and parts therein in such and the like

Gaming Act.

manner, and to such and the like uses, as they might would or could have done by or by virtue or in consequence of any lot, scroll, chance or allotment whatsoever, had this present Act never been made; anything in the said sections contained to the contrary thereof notwithstanding. Provided also, that nothing therein contained shall extend to the debarring or preventing the making use of, in private houses, backgammon tables, and the other games usually played with the backgammon tables, or of any sort of game with cards, when the same is used merely for amusement, and as an innocent diversion.

Or to debar the use of backgammon tables, or any game with cards in private houses when used only as an amusement.

Gaming debts and securities.

12. All notes, bills, bonds, judgments, or other securities or conveyances whatsoever, given, granted, drawn, or entered into, or executed by any person whatsoever, where the whole or any part of the consideration of such conveyances or securities shall be for any money, or other valuable things whatsoever won by gaming, or playing at cards, dice, tables, bowls, billiards, or other game whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for the reimbursing or repaying any money or other valuable thing knowingly lent or advanced for such gaming or betting as aforesaid, or lent or advanced at the time and place of such play to any person so gaming or betting as aforesaid, or that shall during such play so play or bet, shall be utterly void and of none effect to all intents and purposes whatsoever.

All notes or securities given for money or other valuable thing won by gaming or for repaying any money, &c., lent for gaming shall be void.

13 Any person whatsoever, who shall at any time or sitting, by playing at cards, dice, tables, or other game whatsoever, or by betting on the sides or hands of such as do play at any of the games aforesaid, lose to any one or more person or persons so playing or betting, in the whole, the sum or value of five pounds and shall pay or deliver the same or any part thereof, the person so losing and paying, or delivering the same, shall be at liberty within three months then next to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner and winners thereof with full costs of suit by action of debt founded upon this Act, in which actions it shall sufficient for the plaintiff to allege that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use, the moneys so lost and paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this statute, without setting

Any person losing and paying five pounds by playing and betting, may in 3 months sue for and recover the same with costs by action of debt.

Gaming Act.

If the person losing such sum do not sue for the same, any other person may recover the same, and treble the value thereof with costs.

forth the special matter; and in case the person who shall lose such money or other thing as aforesaid shall not within the time aforesaid really and bona fide, and without covin or collusion, sue and with effect prosecute for the money or other thing so by him lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any person by any such action or suit as aforesaid to sue for and recover the same and treble the value thereof, with costs of suit, against such winner or winners as aforesaid; the one moiety thereof to the use of the person that will sue for the same, and the other moiety to the use of the poor of the parish where the offence shall be committed.

Every person liable to be sued shall answer on oath all bills of discovery.

14. Every person who shall or may be liable to be sued for the moneys or other thing so won and recoverable as in the two preceding sections mentioned shall be obliged and compellable to answer upon oath such bill as shall be preferred against him for discovering the sum of money or other thing so won at play as aforesaid.

Upon repayment of the money so to be recovered, the person who shall repay the same to be discharged from any further penalty.

15. Upon the discovery and repayment of the money or things so to be recovered and repaid as aforesaid, the person who shall so discover and repay the same as aforesaid shall be acquitted, indemnified and discharged from any further or other punishment forfeiture or penalty which he may have incurred by the playing for or winning such money or other thing so discovered and repaid as aforesaid.

Any person who shall assault, beat, or challenge any other person, upon account of any thing won by gaming, &c., shall forfeit twenty pounds, or suffer three months' imprisonment.

16. In case any person whatsoever shall assault and beat, or shall challenge or provoke to fight, any other person whatsoever, upon account of any money or other valuable thing won by gaming, playing, or betting at any of the games aforesaid, such person assaulting and beating, or challenging or provoking to fight such other person upon the account aforesaid, shall, being thereof convicted in a summary manner before a Police Magistrate, be liable to a penalty not exceeding twenty pounds, and in default of payment thereof shall be imprisoned for any term not exceeding three months.

1891—5.

Weights and Measures Act.

1891—5.

An Act to consolidate and amend the Acts of this Island relating to Weights and Measures.

[28 February 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Weights and Measures Act 1891.

Inspector.

2. An Inspector of Weights and Measures who shall also be Clerk of the Market shall be so appointed and enter into such bond as is provided by the Market and Butchers Act, 1890.

Standards.

3. Whereas the standard as to weights and superficial measure is the same in this Island as in the United Kingdom, but the standard measure of capacity is less than the standard measure of capacity in the United Kingdom, the former being two hundred and thirty one cubic inches to the gallon, while the latter is two hundred and seventy seven cubic inches and two hundred and seventy four one thousand parts of a cubic inch; the standard of weights and measures as at present established in this Island shall continue to be used, and all articles sold by weight shall be sold by avoirdupois weight, except gold, silver, platinum, diamonds and other precious stones, which articles and no others may be sold by troy weight.

4. The Inspector of Weights and Measures shall, at the public expense, keep, in the public market in the City of Bridgetown, in Speightstown, in Holétown, and at every police station, and supply every inland revenue officer with one bushel, one half bushel, one peck, one gallon, one half gallon, one quart, one pint, one gill, and one half gill measure, according to the present standard, marking the same with the letter B, and taking care that the bushel and half bushel be made with two narrow strips or pieces of iron fixed on the top or brim of them crossing each other at right angles in the centre, and he shall also at the public expense keep in every one of the places aforesaid and furnish to every one of the officers aforesaid, according to the standard aforesaid, and marked with the letter B, one cloth yard, and a set of

Weights and measures to be kept at the towns &c., by the inspector.

Weights and Measures Act.

weights, that is to say, a weight of fifty six pounds, one of twenty eight pounds, one of fourteen pounds, one of seven pounds, one of four pounds, one of two pounds, and a weight of one pound, and one of half a pound, and one of a quarter of a pound, under a penalty of twenty pounds.

Marking of weights, &c.

Persons using weights and measures to cause them to be marked by the inspector as herein.

5. Every person using steel yards, scale beams, or balances, cloth yards, weights and measures, shall cause the same to be viewed, examined, and marked by the Inspector, who is hereby required to mark the same with the letter B, taking care that the bushel and half bushel measure are made in the manner before mentioned, and that such steel yards, scale beams or balances are perfect, and taking for marking each steel yard, cloth yard, scale beam or balance, three pence, and for each weight and measure, three pence, and no more, to be by him paid to the Treasurer of the Island for the public uses; and if any person appointed Inspector shall mark or give allowance unto, or knowingly and wilfully suffer to be used, any bushel or half bushel not made in the manner aforesaid, or any steel yard, scale beam, or balance, cloth yard, weight or measure, other than according to the said standard, or shall, upon reasonable request or warning, refuse to mark or give allowance unto such steel yard, scale beam, or balance, cloth yard, weight or measure, as are according to the said standard as aforesaid, on being paid such sum or sums for such allowance as aforesaid, or shall exact or receive more than the said sum or sums, then the said Inspector shall forfeit for every such offence five pounds. And if any person shall sell any corn, grain (except guinea or indian corn in the ear or stalk, or peas, beans, or other pulse in the husk, which shall be sold by weight at the rate of seventy four pounds to the bushel), or other articles usually sold by the bushel, by any other bushel or half bushel than that which is agreeable to the standard aforesaid, and made and marked as aforesaid, or shall keep, sell, or buy with any steel yard, scale beam, or balance, cloth yard, weight or measure, except it shall be equal to the above standard, and marked in manner aforesaid by the said Inspector, he shall forfeit the value of the goods sold by such steel yard, scale beam, or balance, cloth-yard, weight, or measure, and likewise a sum not exceeding ten pounds.

Penalty on Inspector for breach of duty in marking weights and measures, &c.

Persons selling articles by other than standard weights and measures made and marked as herein, incur a penalty.

Lime to be sold by the bushel tub stamped.

6. It shall not be lawful for any person to sell or offer for sale any white or building lime, by any other measure than that of a bushel tub, bearing the stamp of the Clerk of

Weights and Measures Act.

the Market, which said Clerk of the Market is hereby authorized and required to stamp all such bushel tubs as may be produced to him by any person for that purpose.

7. If any person shall sell or offer for sale white or building lime in any other measure or vessel than a legally stamped bushel tub, such person shall for every such offence be liable to a penalty not exceeding five pounds. Under a penalty of £5.

8. The Inspector of Weights and Measures shall on the first Monday in every month, or oftener if thereto required by the Treasurer, give and render in upon oath, a true, exact, and perfect account in writing under his hand of all the moneys which he shall to such time have received for the marking of the aforesaid weights and measures under and by virtue of this Act, mentioning particularly in such account the times when and the persons' names from whom the said moneys were received, and pay over to the Treasurer all moneys so received by him; and in case of neglect or refusal so to do, on complaint made by the Treasurer to a Police Magistrate, such Inspector may be examined on oath touching such moneys, and may be fined by such Police Magistrate not exceeding fifty pounds, to be paid into the Treasury for the public uses. Inspector, how to account with the Treasurer, and penalty for neglect, &c.

Prevention and prosecution of offences.

9. It shall be lawful for the Inspector, any Justice of the Peace, Inland Revenue Officer, police or parish constable, at all seasonable times in the day-time, to enter the houses, shops, or stores, of all persons using trade and carrying on business, and view and examine all steel yards, scale beams or balances, cloth yards, weights or measures, and such as he shall, upon the said examination, find or have reason to believe to be defective, he shall seize, and he shall lodge a complaint before the Police Magistrate of the district against the party offending, who, on conviction, shall forfeit a sum not exceeding ten pounds, and if it shall appear on the hearing of any such complaint that the weight or measure seized was defective the same shall be taken by the seizing officer to the Inspector within seven days from the date of the conviction, and, if in the opinion of the Inspector the same can be repaired, the Inspector shall on the application of the owner within fourteen days from the receipt thereof, cause the said weight or measure to be repaired, but, if in his opinion the said weight or measure cannot be repaired, the same shall be immediately destroyed by order of the Inspector. Inspector &c., to prosecute offenders against this Act, and may enter shops &c and examine weights and measures.

Offenders, how punishable.

Weights and Measures Act.

Penalties and forfeitures, how recoverable. **10.** All penalties and forfeitures in this Act shall be recoverable with costs before the Police Magistrate within whose jurisdiction the offence was committed in a summary manner.

Informers to have a moiety of penalties. **11.** Any person may prosecute for recovery of the penalties incurred under this Act, and the person so prosecuting shall be entitled to his use to a moiety of all such penalties when recovered, and the other moiety thereof shall be paid into the Public Treasury to the credit of the general revenue.

Costs. **12.** Costs shall not be imposed on any public officer prosecuting complaints under this Act, unless such complaints be dismissed and be deemed by the court to be frivolous and vexatious.

Protection clause. **13.** If any action, suit or information shall be commenced or prosecuted against any person for what he shall do in pursuance or execution of this Act, the same shall be commenced within six months after the offence committed, and such person may plead the general issue, and give this Act and this special matter in evidence, and if the plaintiff or prosecutor shall become nonsuit or discontinue such action, or shall forbear further prosecution, or if a verdict pass against him, the defendant shall recover double costs.

 1891—6

An Act to consolidate and amend the Acts of this Island relating to Coroners.

[21 March 1891.]

BE it enacted by the the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

Short title. **1.** This Act may be cited as the Coroners Act, 1891.

Appointment, salaries, and residence.

Number of Coroners and districts. **2.** (1) The Coroners of this Island shall be six in number, that is to say, one for the Parish of Saint Michael, including the City of Bridgetown, which shall form one district, to be called district "A"; one for the parishes of Christ Church and Saint George, which shall form another

Coroners Act.

district to be called district "B"; one for the parishes of Saint Philip and Saint John, which shall form another district to be called district "C"; one for the parishes of Saint Thomas and Saint James, which shall form another district to be called district "D"; one for the parishes of Saint Peter and Saint Lucy, which shall form another district to be called district "E"; and one for the parishes of Saint Andrew and Saint Joseph, which shall form another district to be called district "F."

(2) The Coroner of district "A" shall be appointed by the Governor, and shall be paid a salary of one hundred pounds per annum out of the public Treasury in the usual manner by warrant of the Governor-in-Executive Committee. Salary of Coroner of "A."

(3) The Coroner of district "B" as defined by section two of this Act shall be the Police Magistrate of district "B" as defined by section three of the Police Magistrates Act 1905. The Coroners of districts "C," "D," "E," and "F" shall be the Police Magistrates of districts "C" "D", "E" and "F" respectively. The Coroners of these districts shall receive no remuneration in addition to their salaries as Police Magistrates. Provided nevertheless that the holders of the offices of Coroner of district "A" and of district "B" respectively on the fourteenth day of August one thousand eight hundred and ninety six, and of district "D" and of district "F" respectively on the thirteenth day of June one thousand nine hundred and five, shall so long as they hold such offices continue to receive salaries of £150, £100, £30 and £30 respectively; and provided also that if the Police Magistrate of district "C" on the thirteenth day of June one thousand nine hundred and five is Police Magistrate of such district when the office of Coroner of such district next thereafter becomes vacant he shall receive an additional salary of £25 per annum. Coroners of B, C, D, E, and F.
Proviso.

(4) Each Coroner shall reside within the district of which he is Coroner unless from special circumstances the Governor shall see fit to dispense with this requirement; and in case on account of inability from illness or other good and sufficient cause any Coroner shall be prevented from attending to hold any inquest within his district, it shall be lawful for the nearest Coroner to the place where such inquest shall be held, or it shall be lawful for the Coroner so unable to act to depute in writing under his hand any Justice of the Peace of either of the parishes comprised in his district, to hold such inquest, and on the holding of such inquest the said nearest Coroners to reside within limits of their districts.

Coroners Act.

Coroner, or Justice of the Peace so deputed, shall have all the like powers and authorities as the Coroner himself would have if he held such inquest. Provided that in any case where the Coroner is unable to act, and the nearest Coroner or any Justice of the Peace is required to act in his place, the Coroner so unable to act shall nevertheless be held responsible for the holding of the inquest.

Inquest, where held.

Inquest to be held where body lies dead.

3. The Coroner within whose jurisdiction there shall be lying any dead body, upon which an inquest ought to be holden, shall hold the inquest notwithstanding that the cause of death did not arise within the jurisdiction of such Coroner. And in the case of any dead body found, or of any person dying, at sea, or in cases of death occurring on board any ship or vessel in Carlisle Bay, or in any other of the shipping ports of this Island, under circumstances which make an inquest necessary, such inquest shall be holden by the Coroner having jurisdiction in the place where the body shall be first brought to land.

Provision in cases of death at sea or in Carlisle Bay, &c.

Proceedings in cases of murder or manslaughter.

Duty of Coroners.

4. (1) Every Coroner upon inquisition before him taken, whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material, and shall have authority to bind by recognizance all such persons as know or declare anything material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next Court of Grand Sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged, and shall certify and subscribe the same evidence, and all such recognizances, and also the inquisition before him taken, and shall deliver the same to the Clerk of the Crown ten days at the least before the opening of the court.

In cases of manslaughter bail may be taken.

(2) In any case in which a Coroner's jury shall have found a verdict of manslaughter against any person, it shall be lawful for the Coroner, before whom the inquest was taken, to accept bail, if he shall think fit, with good and sufficient sureties for the appearance of the person so charged with the offence of manslaughter at the next Court of Grand Sessions to be holden in this Island; and thereupon such person if in custody of any officer under a warrant of commitment issued by such Coroner shall be discharged therefrom.

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(3) In every case in which any Coroner shall admit any person to bail, he shall cause recognizances to be taken in the form given in schedule A to this Act, and shall give a notice thereof to every person so bound, and shall return such recognizances to the next ensuing Court of Grand Sessions.

Form of recognizances when bail so taken.

Medical evidence and post mortem examination.

5. (1) Whenever, upon the summoning or holding of any Coroner's inquest in this Island, it shall appear to the Coroner and the greater number of jurymen sitting at the inquest necessary or expedient that medical testimony should be given regarding the death of the deceased, it shall be lawful for the Coroner to issue his order or summons for the attendance of the medical practitioner who attended the deceased person during his or her last illness, or any other duly qualified medical practitioner as to the Coroner shall seem meet, as a witness at such inquest; and it shall be lawful for the Coroner, either in his order or summons for the attendance of the medical practitioner, or at any time between the issuing of such order or summons and the termination of the inquest to direct the performance of a post mortem examination by such medical witness.

Coroner empowered to summon medical witness and direct post mortem examination.

(2) Whenever any post mortem examination shall have been made in pursuance of this Act, and it shall appear expedient to the Coroner and the greater number of jurymen sitting on the inquest that an analysis of the contents of the stomach or intestines should be made, it shall be lawful for the Coroner to issue his order requiring the medical practitioner who made the post mortem examination, or some other duly qualified person, to make an analysis of the contents of the stomach or intestines of the deceased, and to give evidence concerning the same.

Coroner or majority of jurymen may request an analysis to be made.

(3) Nothing in this Act shall necessitate the summoning of or attendance of any medical man for or at any Coroner's inquest where the Coroner and jury are both satisfied that the cause of death is sufficiently accounted for without having recourse to medical testimony.

Nothing in this Act to necessitate medical evidence when unnecessary.

(4) Any medical practitioner attending a Coroner's inquest for any of the purposes aforesaid in obedience to any order or summons as aforesaid of the Coroner, or any medical practitioner, or other person who, in obedience to any order of a Coroner, shall have made an analysis as aforesaid, and shall have given evidence concerning the same, shall be entitled to receive such remuneration or fee as is mentioned in schedule B to this Act annexed, such

Fee for medical witness.

Coroners Act.

remuneration or fee to be paid from the Public Treasury by warrant of the Governor-in-Executive Committee upon a certificate of the Coroner holding the inquest; provided always, that whenever an inquest shall be holden on the dead body of any person who has died in any public hospital or infirmary, or in any building or place belonging thereto, or used for the reception of patients thereof, or in any prison, house of correction, lunatic asylum, or other public institution having a medical officer attached thereto, then and in such case nothing herein contained shall be construed to entitle the medical officer, whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid, to the fees or remuneration herein provided, save and except such medical officer shall have been called upon to make, and shall have made, an analysis of the contents of the stomach or intestines of the deceased, when he shall receive such fee or remuneration as he may be entitled to under this Act for making such analysis and giving evidence thereon.

Jurors and witnesses.

Penalty for not obeying Coroner's summons or failing to attend.

Duty of Coroner in cases of default.

Police Magistrate to receive certificate of default.

Proviso.

6. If any person duly summoned as a juror or witness to give evidence upon any Coroner's inquest, or duly warned to appear at any adjournment thereof, shall not after being openly called three times appear and swear, or solemnly affirm, when by law an affirmation in lieu of oath is allowed, as such juror, or appear and give evidence on such inquest, every such Coroner shall be empowered to impose such fine upon every person so making default as he shall think fit, not exceeding fifty shillings. And every such Coroner shall, with all convenient speed, make out and sign a certificate containing the name and surname, the residence and trade or calling, of every such person so making default, together with the amount of the fine imposed, and the cause of such fine, and shall cause a copy of such certificate to be served upon the person so fined by leaving it at his residence twenty four hours before proceeding as hereinafter mentioned. And such Coroner shall, unless the party in the meantime offer some sufficient excuse for his absence, transmit such certificate to the Police Magistrate for the district in which such defaulter shall reside; and the Police Magistrate, upon proof of the service of the copy of such certificate as aforesaid, shall immediately issue an execution under his hand, and the same shall be levied and shall be paid to Her Majesty, her heirs and successors, for the use of the Island. Provided always, that nothing

Coroners Act.

herein contained shall be construed to affect any power now by law vested in the Coroner for compelling any person to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of court in not so appearing and giving evidence, or otherwise.

Contempt of Court.

7. If when an inquest is being holden any person shall wilfully insult the Coroner holding the same, or shall commit any other contempt of court, it shall be lawful for such Coroner either to direct such person to be removed from the court or place in which such inquest is being holden, or to be taken into custody and, at any time before the close of the day's proceedings, by warrant to commit such person to gaol for any period not exceeding seven days, or to fine such person in any sum not exceeding forty shillings, and in default of payment within such time as the Coroner shall order to order imprisonment not exceeding the above term.

Jury; panel and remuneration.

8. (1) The number of jurymen required to be empanelled on any inquest shall henceforth be not less than seven: provided always, that it shall be necessary for seven at least to agree as to any finding and provided that a sufficient number of jurymen be summoned to ensure the formation of a necessary panel.

(2) Any person who, in obedience to a summons, shall attend any Coroner's inquest as a jurymen, shall be entitled to receive such remuneration or fee as is mentioned in schedule B. to this Act annexed; and every person who shall so attend and who shall be actually empanelled to serve on any inquest shall in case such inquest be adjourned be entitled to a like remuneration for each day he shall attend and serve as a juror at such inquest, such remuneration or fee to be paid from the Public Treasury by warrant of the Governor-in-Executive Committee, upon a certificate of the Coroner holding the inquest.

Mortuary.

9. At the public mortuary in Bridgetown sufficient accommodation shall be made for the reception of any dead body and for holding any inquest should it be deemed expedient to hold it there, provided however, that it shall not be necessary to remove any dead body to such place unless the Coroner shall deem it expedient to do so.

*Coroners Act.**Copies of proceedings.*

10. All persons who shall be committed to prison or held to bail for any offence against the law shall be entitled to require and have on application to the Coroner before whom any proceedings are had, or other persons having the lawful custody thereof, copies of such proceedings, on payment of eight shillings and four pence and no more to the Coroner furnishing the same; and all Coroners and other persons having the lawful custody of such proceedings are hereby required to deliver such copies within five days after application shall be made for the same, under a penalty of thirty shillings for refusing or neglecting so to do.

Persons committed to prison, or held to bail, entitled to copies of proceedings on payment of 8s. 4d.

Penalty.

Interments of remains (felo de se).

11. (1) It shall not be lawful for any Coroner or other officer having authority to hold inquest to issue any warrant or other process directing the interment of the remains of persons against whom a finding of *felo de se* shall be had in any public highway; but such Coroner or other officer shall give directions for the private interment of the remains of such persons *felo de se*, without any stake being driven through the body of such person, in the churchyard or other burial ground in which the remains of such person might lawfully be interred, if the verdict of *felo de se* had not been found against such person.

Coroner to give directions for private interment in churchyard or burial ground of the remains of any *felo de se*.

(2) Nothing herein contained shall require the performing of any of the rites of Christian burial on the interment of the remains of any such person as aforesaid, nor shall anything hereinbefore contained be taken to alter the laws or usages relating to the burial of such persons, except so far as relates to the interment of such remains in such churchyard or burial ground in such manner as aforesaid.

Rites of Christian burial not required hereby.

SCHEDULE A.

Be it remembered that on the _____ day of _____
 in the year of Our Lord _____ A.B. of _____
 L.M. of _____ and N. O. of _____
 personally came before _____ Her Majesty's
 Coroner for the parish of _____ and severally ac-
 knowledge themselves to owe to our Lady the Queen the
 several sums following, that is to say, the said A. B. the sum

Coroners Act.

of and the said L. M. and N. O. the sum
of each, of good and lawful money of
this Island, to be made and levied of their goods and chat-
tels lands and tenements respectively, to the use of our
said Lady the Queen, her heirs and successors, if he the said
A. B. fail in the condition so endorsed.

Taken and acknowledged the day and year above men-
tioned at before me

J. S.

Coroner for the parish of

CONDITION ENDORSED.

The condition of the within written recognizance is
such that whereas a verdict of manslaughter has been
found against the said A. B. by a jury empanelled to enquire
how and by what means came by his death, if
therefore the said A. B. shall appear at the next Court of
Grand Sessions to be holden in this Island, and there sur-
render himself into the custody of the keeper of the gaol,
and plead to any indictment presented against him, and
take his trial upon the same, and not depart the said court
without leave, then the said recognizance shall be void, or
else the same shall stand in full force and virtue.

SCHEDULE B.

1. To every legally qualified medical practitioner for
attending to give evidence under the provisions of this Act
at any Coroner's inquest, where no post mortem examina-
has been made by such practitioner, the fee or remunera-
tion shall be £1. 1. 0.

2. To any legally qualified medical practitioner for the
making of a post mortem examination of the body of the
deceased and for attending to give evidence thereon, the fee
or remuneration shall be £3. 3. 0.

3. For making an analysis of the contents of the
stomach or intestines, and for attending to give evidence
thereon, the fee or remuneration shall be a sum not exceed-
ing £10. 10. 0., at the discretion of the Governor-in-Execu-
tive Committee.

4. For every juryman who shall attend an inquest to
which he shall have been duly summoned, the fee or remu-

1891—6.

Coroners Act.

neration shall be 1/6, to be paid by the Police Magistrate of the district on the certificate of the Coroner, and if necessary to be reimbursed to the Police Magistrate by the Colonial Treasurer on the warrant of the Governor-in-Executive Committee.

1891—7.

An Act to consolidate and amend the Acts of this Island relating to Interpleader.

[25 March 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

Short title.

1. This Act may be cited as the Interpleader Act, 1891.

Between persons generally.

Upon application by a defendant in an action of assumpsit &c., stating that the right in the subject-matter is in a third party, the court may order such third party to appear and maintain or relinquish his claim, and in the meantime stay proceedings in such action.

2. Upon application made by or on behalf of any defendant sued in any court of law in this Island in any action of assumpsit, debt, detinue, or trover, such application being made in the case of actions brought in the Court of Common Pleas after declaration and before plea, and in case of actions brought in other courts after plaint lodged but before hearing, by affidavit or otherwise, showing that such defendant does not claim any interest in the subject-matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same; and that such defendant does not in any manner collude with such third party, but is ready to bring into court or to pay or dispose of the subject-matter of the action in such manner as the court may order or direct, it shall be lawful for the court to make rules and orders calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim; and upon such rule or order to hear the allegations as well of such third party as of the plaintiff, and in the meantime to stay the proceedings in such action, and finally to order such third party to make himself defendant in the same or some other action, or in cases before the Court of Common Pleas that court may order such third party to proceed to trial as in the following section mentioned, and direct which of the parties shall be plaintiff or defendant on such trial, or in lieu of proceedings as herein-before mentioned the court before which the proceedings are

Interpleader Act.

taken may in any case with the consent of the plaintiff and such third party, their counsel or attorney, or if from the smallness of the amount in dispute or of the value of the goods seized it appears to such court right to grant such request, then, at the request of either party, dispose of the merits of their claims and determine the same in a summary manner upon such terms as the court deems fit to impose, and make such other rules and orders therein as to costs and all other matters as may appear just and reasonable.

3. In every case where any superior court of law or equity may desire to have any question of fact decided by a jury, it shall be lawful for such court to direct a writ of summons to be issued out by such person or persons as such court shall think ought to be the plaintiff or plaintiffs against such person or persons as such court shall think ought to be defendant or defendants therein, in the form set forth in the schedule to this Act annexed, with such alterations or additions as such court may think proper; and thereupon all the proceedings shall go on and be brought to a close in the same manner as is now practised in proceedings under a feigned issue.

Proceedings where court desires questions of fact to be decided by a jury.

4. The judgment of the Court of Common Pleas in any such action or issue as may be directed by that court, and the decision of that court in a summary manner, shall be final and conclusive against the parties and all persons claiming by from or under them.

Judgment and decision to be final.

5. In all cases of interpleader proceedings in the Court of Common Pleas, where the question is one of law and the facts are not in dispute, the Chief Judge of the Court of Common Pleas shall be at liberty, at his discretion, to decide the question without directing an action or issue, and, if he shall think it desirable, to order that a special case be stated for the opinion of the court.

Cases of interpleader in Common Pleas how disposed of, where question is one of law and facts are not in dispute.

6. The proceedings upon such case shall, as nearly as may be, be the same as upon any other special case stated in the Court of Common Pleas, and error may be brought upon a judgment upon such case, and the provisions of any Act as to bringing error upon a special case shall apply to the proceedings in error upon a special case under this Act.

Proceedings to be as near as may be a special case.

7. If such third party shall not appear upon such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect or refuse to comply with

If third party shall not appear &c., the court

Interpleader Act.

may bar his claim against the original defendant.

any rule or order to be made after appearance, it shall be lawful for the court to declare such third party, and all persons claiming by from or under him, to be for ever barred from prosecuting his claim against the original defendant, his executors or administrators, saving nevertheless the right or claim of such third party against the plaintiff, and thereupon to make such order between such defendant and the plaintiff as to costs and other matters as may appear just and reasonable.

Court of Common Pleas to exercise certain powers and authorities though title of claimants is adverse.

8. Where an action has been commenced in respect of a common law claim for the recovery of money or goods, or where goods or chattels have been taken or are intended to be taken in execution under process issued from the Court of Common Pleas, the Assistant Court of Appeal, or any Petty Debt Court, and the defendant in such action or the Provost Marshal or other officer has applied for relief under the provisions of this Act, it shall be lawful for the said Court of Common Pleas, Assistant Court of Appeal, or Petty Debt Court to exercise all the powers and authorities given to it by this Act, though the titles of the claimants to the money, goods, or chattels in question, or to the proceeds or value thereof, have not a common origin but are adverse to and independent of one another.

Rules, orders, &c., made in pursuance of this Act may be entered of record and made evidence.

9. All rules, orders, matters, and decisions to be made and done in pursuance of this Act by any of the superior courts of law, except only the affidavits to be filed, may, together with the declaration in the cause (if any), be entered of record with a note in the margin expressing the true date of such entry, to the end that the same may be evidence in future times if required, and to secure and enforce the payment of costs directed by any such rule or order, and every such rule or order so entered shall have the force and effect of a judgment; and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his agent or attorney, execution may issue for the same adapted to the case, together with the costs of such entry and the execution, and such writ and writs may bear teste on the day of issuing the same, and the Provost Marshal or other officer executing any such writ shall be entitled to demand and receive for the benefit of the general revenue the same fees, and no more, as upon any similar writ grounded upon a judgment of the court.

Costs.

Execution.

Marshal's fees.

Between execution creditors and claimant of goods seized.

Claims to goods

10. Whereas difficulties sometimes arise in the execution

Interpleader Act.

of process against goods and chattels issued by or under the authority of the Court of Common Pleas of this Island, or under the authority of Police Magistrates or Judges of the Petty Debt Courts in cases coming within their jurisdiction, or under the authority of the Assistant Court of Appeal of this Island either in its appellate or original jurisdiction, by reason of claims made to such goods and chattels by the Official Assignee of bankrupts and other persons not being the parties against whom such process has issued, whereby the Provost Marshal and other officers employed in the execution of such process are exposed to the hazard and expense of actions ; and it is reasonable to afford relief and protection in all such cases to the said Provost Marshal and such other officers : Be it therefore enacted, that when any such claim shall be made to any goods and chattels taken or intended to be taken in execution under any process issued by any of the superior courts of law, or to the proceeds or value thereof, it shall and may be lawful to and for the court from which such process issued, upon application of the said Provost Marshal or other officer made before or after the said goods and chattels shall have been taken in execution, and as well before as after any action brought against the said Provost Marshal or other officer, to call before it by rule of court as well the party issuing such process as the party making such claim, and thereupon to exercise for the adjustment of such claims and the relief and protection of the Provost Marshal or other officer all or any of the powers and authorities in this Act contained, and make such rules and decisions as shall appear to be just according to the circumstances of the case ; and the cost of all such proceedings shall be in the discretion of the court ; and when any such claim shall be made to any goods and chattels taken in execution under any process issued by a Police Magistrate or Judge of a Petty Debt Court or by the Assistant Court of Appeal, either in its appellate or original jurisdiction, or to the proceeds or value thereof, it shall be lawful for the court from which such execution issued, on the application of the Provost Marshal or other person employed in the execution of such process, to summon before it or him and hear the allegations of as well the party at whose instance such process issued as the party making the claim, and make such order between the parties in respect thereof and of the costs of the proceedings as the court shall think fit, and shall also adjudicate between such parties, or either of them, and the Provost Marshal or other person employed in the execution of the process, with respect to any damage, or claim of or to damages, arising or capable of arising out

&c., taken in execution under process of superior courts, how disposed of.

Insolvent traders.

Costs in discretion of court. Claims to goods &c. taken in execution under process of inferior courts, how disposed of.

Interpleader Act.

of the execution of such process by the Provost Marshal or other person employed in the execution of the process, and make such order in respect thereof, and of the costs of the proceedings, as to the court shall seem fit ; and such orders shall be enforced in like manner as any order in any action or proceeding brought in such court, and shall be final and conclusive as between the parties, and as between them or either of them and the Provost Marshal or other person employed in the execution of the process, unless the decision of the court shall be in either case appealed from ; and upon the issue of the summons any action which shall have been brought in any court in respect of such claim, or of any damage arising out of the execution of such process, shall be stayed.

When goods claimed by third person, court or Judge having jurisdiction may order sale upon certain terms.

11. When goods or chattels have been seized in execution by the Provost Marshal or other officer under process of the Court of Common Pleas, or Assistant Court of Appeal, either in its appellate or original jurisdiction, or Petty Debt Court, or Police Magistrate's Court, and some third person claims to be entitled under a bill of sale or otherwise to such goods or chattels by way of a security for a debt, the court or Judge or Police Magistrate having jurisdiction to determine the claim may order a sale of the whole or part thereof, upon such terms as to payment of the whole or part of the secured debt or otherwise, as they or he shall think fit, and may direct the application of the proceeds of such sale in such manner and upon such terms as to such court or Judge or Police Magistrate may seem just.

SCHEDULE.

In the court of Common Pleas.
Barbados, to wit.

Whereas A.B. affirms and C.D. denies (here state fully the fact or facts in issue), and the Chief Justice is desirous of ascertaining the truth by the verdict of a jury, and both parties pray that the same may be inquired of by the country. Now let a jury &c.

1891—8.

Jurors Act.

1891—8.

An Act to consolidate and amend the Acts of this Island relating to Jurors.

[28 March 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Jurors Act, 1891.

Short title.

Qualification.

2. (1) Every person possessing the qualifications which would entitle him to be elected as a member to serve in the General Assembly of this Island, not subject to any legal incapacity, and not exempt from such service as hereinafter mentioned, shall be liable to serve as a grand and special juror and his name shall be placed on the grand and special jurors' list for this Island, and the Provost Marshal or his lawful deputy shall, within ten days after the delivery of the jurors' book for the current year, take from such book the names of all persons who shall be so qualified, and shall cause the names of all such persons to be fairly and truly copied out in alphabetical order, together with their respective places of abode and additions, in a separate list to be subjoined to the jurors' book, which list shall be called "The Grand Special Jurors' List," and shall prefix to every name in such list its proper number, beginning the numbers from the first name and proceeding then in a regular arithmetical series down to the last name, and shall cause the said several numbers to be written on distinct pieces of parchment or card, being all as nearly as may be of an equal size ; and after all the said numbers shall have been so written shall put the same together in a separate drawer or box, and shall there safely keep the same to be used for the purpose hereinafter mentioned.

Qualification required for grand and special jurors.

Provost Marshal to prepare special jury lists as herein prescribed.

(2) All male subjects of Her Majesty, her heirs and successors, and all aliens having been domiciled and having been resident for ten years and upwards, who may have the qualification hereinafter set forth shall be liable to serve on all juries except on grand or special juries as by law appointed, that is to say :—

Qualification.

Persons being principal clerks or tradesmen, and man- Clerks, trades-
agers of estates, receiving or being entitled to receive annual men &c.
salaries at the rate of thirty pounds with board and lodg-

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ing, or at the rate of fifty pounds without board and lodging.

Registered voters.

(3) Every person who is qualified to be registered as a voter in the election of members to serve in the Assembly shall be qualified and liable to serve as a juror according to his qualification in all cases where by any Act juries now are or shall hereafter be required to be summoned and empanelled to serve in any of the courts or for any other purpose whatsoever ; provided always that notwithstanding the deed or deeds under which any person otherwise entitled to be registered as a voter shall not have been proved or recorded, he shall nevertheless be qualified and liable to serve as a juror on all juries as aforesaid if he shall have been in the possession or receipt of the rents and profits of the property conveyed by such deed or deeds for twelve months or upwards ; provided also that nothing herein contained shall be construed to compel or qualify or render liable any person to serve as a juror on any jury who, by any statute remaining unrepealed on the passing of and exclusive of this Act, would be exempt or disqualified from serving as a juror on any jury as aforesaid.

Proviso.

Proviso.

Disqualification.

Save as aforesaid only natural born male subjects of the Queen qualified to serve on juries.

3. (1) Save as aforesaid and save only in the cases expressly provided for, no man not being a natural born subject of the Queen shall be qualified to serve on juries or inquests in any court or on any occasion whatever.

Persons convicted of treason or felony, or under outlawry.

(2) No man who has been or shall be convicted of any treason, or felony, or any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry, is or shall be qualified to serve on juries or inquests in any court, or on any occasion whatever.

Inability to read and write.

(3) The Parochial Treasurers of the several parishes shall not insert in the jurors' lists to be made by them the name of any person who is proved to their satisfaction to be unable to read and write.

Exemptions.

Persons exempted from serving on juries.

4. All members of Council and of the General Assembly ; all priests of the Roman Catholic faith ; the Officiating Minister of the Hebrew congregation ; all persons who shall teach or preach to any congregation of Protestant Dissenters and who shall follow no secular occupation except that of a schoolmaster, producing a certificate of some Police Magistrate to that effect ; all barristers-at-law actually

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practising ; all attorneys and proctors duly admitted in any court of law or equity actually practising ; all officers of any such courts actually exercising the duties of their respective offices ; all legally qualified medical practitioners actually practising ; all officers in Her Majesty's navy or army on full pay ; the Consuls of any foreign power ; every person however appointed who receives the salary or allowance attached to his office from the Public Treasury ; the Actuary and clerks of the Savings Bank ; local inspectors of the poor ; inspectors of highways ; all parish clerks, and all persons of the age of sixty years and upwards shall be and are hereby absolutely freed and exempted from being returned and from serving upon any juries or inquests whatever, and shall not be inserted in the lists to be prepared by virtue of this Act.

Remuneration.

5. (1) Every juror attending the Court of Grand Sessions or either of the superior courts of civil jurisdiction or the Court of Escheat shall be paid out of the Public Treasury, on the certificate of the proper officer of either of the said courts, the sum of six shillings and five pence for each day that he shall attend. Jurors in civil cases and in cases before the Court of Escheat to be paid out of Public Treasury.

(2) A juror summoned to attend either of the said courts, not having had notice on a previous day not to attend, who appears in obedience to his summons and continues ready to serve during the day if required, shall be considered as having been in attendance and as being entitled to be paid ; provided always that if the attendance of a juror is not required the Provost Marshal shall notify him by letter in due time not to attend ; and provided further that if a proclamation is made in court by the Provost Marshal that the further attendance of all or any jurors is not further required no such juror shall be entitled to be paid for any day's attendance after the day on which such proclamation is made. Jurors summoned and not notified not to attend to be paid for each day's attendance.

(3) The respective proper officers of the said courts shall on the last day of the session of their respective courts prepare and certify a list containing the names of the jurors who shall have attended, the number of days of attendance, and the amount due to each juror. This list shall be sent by such officer to the Colonial Treasurer. Colonial Treasurer to be furnished with list of names of jurors to be paid &c.

Jury lists.

6. (1) The Parochial Treasurers of the several parishes throughout the Island shall, on or before the first day of January in every year, make out a true and exact list of Parochial Treasurers to make out lists of per

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sons liable to serve on juries and deliver them to the Police Magistrates.

all men residing within their respective parishes qualified and liable to serve on juries as aforesaid, with the christian and surname written at full length, and with the true place of abode, quality, calling, or business, and the nature of the qualification with the age of every such person in the proper columns of the form of the return set forth in the schedule hereunto annexed, marked with the letter "A," and every such Parochial Treasurer as aforesaid shall, within ten days from the first day of January in each such year, make out and deliver to the Police Magistrate of the district in which he shall act as Parochial Treasurer a true and exact copy of such list so made by him as aforesaid, and within the like period shall cause a copy of such list to be set up at the principal door of the parish church, and at his office in some conspicuous place open to the public, with a notice written at the foot of such list, subscribed with his name, stating that all objections to such list will be heard by the Police Magistrate of the district in which any such parish is situate at the time and place therein to be specified, and shall cause such copy and notice to be continued so set up for fourteen successive days.

Police Magistrates to hear objections to such lists and to correct them.

(2) The Police Magistrate of the district to whom any such Parochial Treasurer shall deliver any such list as aforesaid shall and he is hereby required to appoint a time and place for the purpose of hearing any objections to any such list, and making any corrections therein, and the time so to be appointed for such purpose shall commence not later than the Wednesday next following the second Sunday after the setting up of the said notice and continue not less than three days, and the Police Magistrate of the district, to whom any such Parochial Treasurer shall deliver any such list, shall sit at his office for the purposes aforesaid during such time as aforesaid, at which time and place every such Parochial Treasurer shall attend, and shall, if need be, answer on oath such questions touching the same as shall be put to him by the said Police Magistrate; and if any man not qualified and liable to serve on juries as aforesaid is inserted in any such list, it shall be lawful for the said Police Magistrate upon satisfactory proof by oath of the party complaining, or other proof, that he is not qualified and liable to serve on juries, to strike his name out of such list, and also to strike thereout the names of men disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body from serving on juries; and it shall also be lawful for such Police Magistrate to insert in such list the name of any man omitted therein, and likewise

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to correct any errors or omissions which shall appear to him to have been committed in respect to the name, place of abode, title, quality, calling, business, or the nature of the qualification of any man included in any such list: provided always that no man's name if omitted shall be inserted in such list, nor shall any error or omission in the description of any man in such list be corrected by the said Police Magistrate, unless upon the application of such men respectively, or unless such men respectively shall have had notice that an application for such purpose would be made to the said Police Magistrate at such sitting, or unless the said Police Magistrate at such sitting shall cause notice to be given to such men respectively requiring them to show cause at some adjournment of such sitting, to be holden within four days thereafter, which the said Police Magistrates are hereby authorized to make for such purpose, why their names should not be inserted in such list, or why any error or omission in the description of such men in such list should not be corrected; and as soon as the said lists shall be duly corrected and settled as aforesaid, the Police Magistrate and Parochial Treasurer as aforesaid shall jointly certify the same at the foot of, or on the back of, such list and shall sign such certificate of their allowance thereof, and the same shall forthwith be transmitted by the Police Magistrate to the Provost Marshal of this Island; and if any Parochial Treasurer shall at any time neglect or refuse to do what is hereby required of him he shall forfeit and pay for every such neglect or refusal a sum not exceeding twenty five pounds, recoverable before any Police Magistrate in a summary way, one moiety thereof to be paid to the complainant and the other into the Public Treasury to the credit of the general revenue.

(3) The Provost Marshal or his lawful deputy shall keep the list so returned by every such Police Magistrate to him among the records of his office, and shall cause the names to be fairly and truly copied in alphabetical order in a book to be by him provided for that purpose at the Island's expense, with proper columns suited to the form of the return in which the lists are made, within ten days from the time of receiving the last return, which book shall be called "The Jurors' Book" for the year (inserting the calendar year for which such book is to be in use); and every book so prepared shall be brought into use immediately after the same shall be perfected, and be used until the first day of March in the year following, and on the first day of March in every succeeding year another book

Provost Marshal to cause the names to be copied alphabetically in a book to be called the jurors' book for the year.

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1891—8.

shall be so compiled, and shall be used for one year next following.

Special jury

Court on application may order a special jury in all cases except treason and felony.

7. (1) It shall and may be lawful for the Chief Judge of this Island, upon application made on behalf of the Crown, or upon the motion of any prosecutor, relator, plaintiff, defendant, or tenant, in any case whatsoever, whether civil or criminal, or on any penal statute (excepting only indictments for treason or felony), to order and appoint a special jury to be struck before the proper officer of the court for the trial of any issue joined in any of the said cases and triable by a jury, and every jury so struck shall be the jury returned for the trial of such issue.

Mode of striking special juries.

(2) Whenever the Judge shall order a special jury to be struck before the said proper officer, such officer shall appoint a time and place for the nomination of such special jury, and a copy of the rule of court and of such officer's appointment shall be served on the Provost Marshal or his lawful deputy and on the adverse party, plaintiff or defendant; and such officer, at the time and place appointed, being attended by such Provost Marshal or his lawful deputy who are hereby respectively required to bring with them "The Jurors' Book" and such special jurors' list, and all the numbers so written on distinct pieces of parchment or card as aforesaid, shall, in the presence of all parties interested in any of the cases aforesaid, or of their attorneys, (if they respectively choose to attend, or if the said parties or their attorneys, all or any of them, do not attend, then in their absence), put all the said numbers into a box, to be by him provided for that purpose, and after having shaken them together shall draw out the said numbers one after another, and shall, as each number is drawn, refer to the corresponding number in the special jurors' list, and read aloud the name designated by such number; and if at the time of so reading any name either party or his attorney shall object that the man whose name shall have been so referred to is in any way incapacitated from serving on the said jury, and shall also then and there prove the same to the satisfaction of the said officer, such name shall be set aside, and the said officer shall, instead thereof, draw out of the said box another number, and shall in like manner refer to the corresponding name in the said list and read aloud the name designated thereby, which name may be in like manner set aside, and other numbers and names shall in every such case be resorted to, according to the mode of proceeding hereinbefore described, for the purpose of sup-

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plying names in the places of those set aside until the whole number of forty eight names not liable to be set aside shall be completed; and if in any case it shall so happen that the whole number of forty eight names cannot be obtained from the grand and special jurors' list, in such case the said officer shall fairly and indifferently take, according to the mode of nomination heretofore pursued in nominating special juries, such a number of names from the general jurors' book, in addition to those already taken from the special jurors' list, as shall be required to make up the full number of forty eight names; all and every of which forty eight names shall in such case be equally deemed and taken to be those of special jurors; and the said officer shall afterwards make out for each party a list of the forty eight names, together with their respective places of abode and additions, and, after having made out such list, shall return all the numbers so drawn out, together with all the numbers remaining undrawn, to such Provost Marshal or his lawful deputy, to be by such Provost Marshal or his lawful deputy safely and securely kept for future use; and all the subsequent proceedings for reducing the said list shall be according to the practice followed in like cases in the supreme courts of England, except where the same or any part thereof is expressly altered by this Act.

(3) The person or party who shall apply for a special jury shall in addition to the sum mentioned in the following subsection pay all fees for striking such jury at the time when the same shall be struck, and shall pay all expenses occasioned by the trial of the cause by the same, and shall not, on taxation of costs, be allowed the additional expenses thereof above the expenses of a common jury, unless the Chief Judge of the Court before whom the cause shall be tried shall immediately after the trial certify under his hand that the same was a cause proper to be tried by a special jury.

Party applying for a special jury to pay the expense of, unless the judge certifies.

(4) Where a party to a cause has obtained an order that a special jury be struck for the trial of a particular cause he shall on or before giving notice to the Provost Marshal of such order deposit with the Provost Marshal the sum of seven pounds four shillings, otherwise the said order shall be of no avail, and the said cause shall be tried in the same way as if no such order had been made. The Provost Marshal shall forthwith pay into the Public Treasury to the credit of the general revenue the money so deposited with him. The sum of seven pounds four shillings

Party obtaining an order for a special jury to deposit with the Provost Marshal £7. 4.

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if deposited by the successful party shall be recoverable as costs in the cause if he be otherwise entitled to such costs.

Provost Marshal before striking special jury to make up a general panel from all persons liable to serve on juries.

(5) The Provost Marshal of this Island or his lawful deputy shall, in the summoning of jurors pursuant to any venire facias juratores for the trial of any issue whatsoever, whether civil or in any penal action in the Court of Common Pleas, directed to him, make up before striking any special jury for the same court a general panel from all persons liable to serve on either jury from the jurors' book in the order prescribed by law without omitting any person whose names shall be inserted therein as being a special juror; provided always, that nothing in this Act contained shall be deemed or construed in any way to affect or interfere with the right which by the law of this Island now exists of having a special jury as at present appointed; provided also however, that no person whose name is in the list of common jurors for the trial of any issue in the Court of Common Pleas shall be liable to serve on any special jury at the same court; but if it appear at the time of reading out any name drawn for the purpose of striking a special jury that such person is already on the list of common jurors, such name shall be set aside and another drawn in his stead.

No one to be liable to serve as common juror and special juror at the same court.

Summoning of jurors.

Provost Marshal to make the returns herein required of grand and petit jurors.

8. (1) The Provost Marshal of this Island, or his lawful deputy, shall at least ten days before every Court of Grand Sessions of Oyer and Terminer and General Gaol Delivery and General Sessions of the Peace, summon a competent number of men, twenty four of whom at the least shall be qualified to serve as grand jurors, and be named in the jurors' book as such, and forty of whom at the least shall be qualified to serve as common jurors, and be in the like manner named in the jurors' book, and the Provost Marshal or his lawful deputy shall return separate lists, containing such names alphabetically arranged, and the places of abode and additions of such jurors, to the Registrar seven days before the sitting of each such court; and the jurors so summoned, or a competent number of them as the said court shall direct, and no others, shall be the grand jurors and petit jurors to serve at such court.

Provost Marshal to summon jurors as herein directed.

(2) A general writ of venire facias juratores for the trial of any issue whatsoever, whether civil or criminal, or on any penal action, directed to the Provost Marshal or his lawful deputy to return good and lawful men of this Island,

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qualified to serve according to law, shall be issued by the proper officer signed by the Chief Judge ten days before the sitting of the Court of Common Pleas for the trial of issues or assessment of damages; and the Provost Marshal, or his lawful deputy, shall forthwith summon a competent number of men, named in the jurors' book, to serve on juries pursuant to the terms of such writs respectively; which number of jurors shall not in any case be less than twenty four, or more than forty; and the jurors so summoned, or a competent number of them as the Judge shall direct, and no others (unless in cases where a special jury shall be struck), shall be the jurors to serve on juries at the ensuing sittings of such court, and shall remain in attendance at such court until discharged by the Judge.

(3) The Provost Marshal, or his lawful deputy, shall within three days from the receipt of every such venire return the names of men contained in the jurors' book for the then current year, and no others, so summoned by him as aforesaid, to serve as jurors pursuant to such venire, and where process for returning a jury for the trial of any of the issues aforesaid shall be directed to any Coroner or other person in the event and pursuant to the authority herein-after mentioned, he shall have free access to the jurors' book for the current year and shall in the like manner return the names of men contained therein, and no others; provided always that if there be no jurors' book in existence for the current year, it shall be lawful to return jurors from the jurors' book of the year preceding.

Provost Marshal to return the names of jurors within three days.

Coroner.

(4) The Provost Marshal, or his lawful deputy, shall cause to be made out an alphabetical list of the names of all the jurors contained in any return made by him to any such writ of venire facias issued as aforesaid, with their respective places of abode and additions, and shall keep such list in his office for seven days at least before the sitting of any such court from which any such writ of venire facias shall issue; and the parties in all causes to be tried at any sitting of any such court, and their respective attorneys, shall on demand have full liberty to inspect such list without any fee or reward to be paid for inspection.

Provost Marshal to make an alphabetical list of jurors, &c., for inspection of parties.

(5) The Provost Marshal, or his lawful deputy, shall summon all persons whose names shall be transcribed in such jurors' book, according to the order in which such names shall be in such books alphabetically placed, beginning with the name under the highest letter of the alphabet, and taking the name under the next highest letter, toties quoties,

Order in which Provost Marshal to summon jurors.

Jurors Act.

until he has completed the panel required, until every person shall have been summoned in his turn; and at the commencement of each year the Provost Marshal shall begin with the names in the new book, next after the names of the persons in the old book who were last summoned in the preceding year. Provided always that the rule prescribed by this subsection shall be applied by the Provost Marshal to civil and criminal trials separately and independently, in order that every juror may be able to serve at both civil and criminal trials, and may not lose his turn to serve at a criminal trial by reason of his having been summoned to serve at a civil trial and *vice versa*.

Jurors when and
how to be sum-
moned.

(6) The summons of every man to serve on juries, not being special juries, for the trial of any cause or criminal prosecution to be tried, heard, or determined in any court of record holden in this Island, shall be made by any police constable seven days at the least before the day on which the juror is to attend, by showing to the man to be summoned, or in case he shall be absent from the usual or last place of his abode, by leaving with some person thereinhabiting, a note in writing, under the hand of the Provost Marshal, or his lawful deputy, containing the substance of such summons; and the summons of every man to serve on special juries in any of the courts aforesaid shall be made by the like persons and in the like manner aforesaid three days at least before the day on which the special juror is to attend.

Non-attendance.

Penalty on ju-
rors for non-at-
tendance, &c.

9. Every man duly summoned and returned to serve upon any jury for the trial of any cause or criminal prosecution to be tried in any court of record holden within this Island who shall not appear in obedience to any such summons after being called in court three times, or offer some sufficient excuse for his absence, or shall depart from the said court during the sitting of the same without leave of the said court, shall forfeit and pay to Her Majesty, her heirs and successors, the sum of ten pounds, for which execution, to be directed to the Provost Marshal of this Island, or his lawful deputy, shall issue under the hand of the Chief Judge of the said court, and be levied and be paid into the Public Treasury for the public uses of this Island; provided always that it shall be lawful for the said Chief Judge at any time during the sitting of any such court, or at, or previous to the holding of the next ensuing court, to remit such fine, if he shall see fit to do so.

*Jurors Act.**Proceedings at trial.*

10. (1) At the sitting or holding of any such courts for the trial of any such issues as aforesaid, the name of each juror summoned shall be written on a separate piece of card or paper, and put into a box, and when any such issue shall be called on to be tried, the Registrar shall in open court draw therefrom twelve of the said cards or papers, one after another, and if any of them whose names shall be so drawn out shall not appear, or shall be challenged or objected to, and set aside, then such further number until twelve men be drawn, who shall appear, and after all just cause of challenge allowed shall remain as fair and indifferent; and the said twelve men so first drawn and appearing shall be the jury to try that issue, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict and the same shall be recorded, or until such jury shall by consent of the parties or by leave of the court be discharged, and then the same names shall be returned to the box there to be kept with the other names remaining at the time undrawn, and so toties quoties, as long as any issue remains to be tried.

Jurors to be drawn for as herein prescribed.

(2) It shall and may be lawful for the said courts to proceed with the trial of any other issue pending before any such court, notwithstanding the jury in any other issue shall not have brought in their verdict or been discharged, and it shall be lawful for the court to order twelve of the residue of the said parchments or cards, not containing the names of any of the jurors who shall not have so brought in their verdict or been discharged, to be drawn in such manner as is aforesaid for the trial of the issue which shall be so brought on to be tried: provided also, that where no objection shall be made on behalf of the Queen or any other party, it shall be lawful for the court to try any issue with the same jury that shall have previously tried or been drawn to try any other issue, without their names being returned to the box and redrawn, or to order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may be justly challenged or excused by the court, to be set aside, and another name or other names to be drawn from the box, and to try the issue with the residue of such original jury, and with such man or men whose name or names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any issue remains to be tried.

Court may try other issues though the first jury may not have returned their verdict.

Jurors Act.

Inability to read and write a good cause of challenge.

(3) It shall be a good cause of challenge of any person summoned to serve as a juror in any court of criminal or civil jurisdiction in this Island that he is an illiterate person and unable to read and write.

Challenges for the Crown how to be dealt with.

(4) In all inquests taken in any court in this Island wherein the Queen is a party, howsoever it be, notwithstanding it be alleged by them that sue for the Queen that the jurors of those inquests, or some of them, be not indifferent for the Queen, yet such inquests shall not remain untaken for that cause, but if they that sue for the Queen will challenge any of those jurors, they shall assign of their challenge a cause certain, and the truth of the same challenge shall be inquired of according to the custom of the court, and it shall be proceeded to the taking of the same inquisitions as it shall be found if the challenges be true or not, after the discretion of the Court, and no person arraigned for murder or felony shall be admitted to any peremptory challenge above the number of twenty.

Peremptory challenges by the prisoner in cases of felony or murder not to exceed twenty.

Peremptory challenges in excess of twenty void.

(5) If any person arraigned upon any indictment for any treason, felony, or piracy shall challenge peremptorily a greater number of the men returned to be of the jury than such person is entitled by law so to challenge, in any of the said cases every peremptory challenge beyond the number allowed by law in any of the said cases shall be entirely void and the trial of such person shall proceed as if no such challenge had been made.

Peremptory challenge in case of joint offenders.

(6) Where several persons are being tried together for an indictable offence, and are entitled to peremptorily challenge the jury, such peremptory challenges shall not exceed in the whole twenty, and if the accused do not join in these challenges the Chief Justice shall divide the twenty challenges among the accused as evenly as the circumstances of the case will admit.

In civil causes jury not to be kept longer than six hours, unless they ask for further time. At the expiration of such time the verdict of nine to be taken as verdict of the jury.

(7) Upon the trial by jury of any civil cause in the Court of Common Pleas, the jury shall not be kept in deliberation longer than six hours, unless at the end of that period they unanimously concur in applying for further time, which in that case shall be granted by the Court; and if at the expiration of the six hours, or such prolonged time for deliberation, nine of the said jury shall agree, the verdict agreed to by such nine may be returned as the verdict of the jury, and shall be taken and shall have the same force and effect as if found unanimously by the whole of the jury, any statute to the contrary notwithstanding; and during the said period they may be furnished with necessary refreshments by leave of the Judge.

Jurors Act.

(8) If any person summoned or required to serve as a juror in any civil or criminal proceeding shall refuse or be unwilling to be sworn, on the ground that he has no religious belief or that the taking of an oath is contrary to his religious belief, it shall be lawful for the court or Judge, or other presiding officer or person qualified to administer an oath to a juror, to permit such person, instead of being sworn, to make his solemn affirmation or declaration in the words following :

Jurors refusing from conscientious motives to be sworn to be permitted to make a solemn affirmation or declaration.

“ I A.B. do solemnly, sincerely, and truly declare and affirm, &c.

Which solemn affirmation and declaration shall be of the same effect, and if untrue shall entail all the same consequences as if such person had taken an oath in the usual form ; and whenever in any legal proceedings it is necessary or usual to state or allege that jurors have been sworn, it shall not be necessary to specify that any particular juror has made affirmation or declaration instead of oath, but it shall be sufficient to state that the jurors have been sworn or affirmed.

Viewing locus in quo.

11. It shall be lawful for any such court as aforesaid to grant a rule, where it shall appear expedient to the court, that the jury should have a view of any place in dispute, and that two or more jurors, mutually agreed on between the parties, shall be shown the place in question by two persons to be appointed by the said court ; provided that such viewers shall be first sworn to try the issue.

Court may order a view of any place in dispute.

Jury de medietate linguæ.

12. Nothing herein contained shall extend or be construed to extend to deprive any alien indicted or impeached of any felony or misdemeanour of the right of being tried by a jury de medietate linguæ, but on the prayer of every alien so indicted or impeached the Provost Marshal or other proper officer shall, by command of the court, return for one half of the jury a competent number of aliens, if so many there be in the said Island, and if not, then so many aliens as shall be found in the said Island, if any ; and no such alien juror shall be liable to be challenged for want of freehold or of any other qualification required by this Act ; but every such alien may be challenged for any other cause in like manner as if he were qualified by this Act.

Aliens may pray for a jury de medietate linguæ.

Jurors Act.

Embracery.

Embracery,
how punished.

13. Every person who shall be guilty of the offence of embracery, and every juror who shall wilfully and corruptly consent thereto, shall and may be respectively proceeded against by indictment or information, and shall on conviction be punished by fine not exceeding fifty pounds, or imprisonment not exceeding twelve months, at the discretion of the court.

Provost Marshal.

Penalty on Provost Marshal for breach of duty.

14. If the Provost Marshal, or other minister or officer, shall wilfully insert or omit in the jurors' book the name of any man which ought not to be inserted or omitted, according to the list of jurors hereinbefore directed to be made out and prepared as aforesaid by the respective Parochial Treasurers, or shall fail to deliver a correct copy of the jurors' book to the Registrar as hereinbefore directed, or shall otherwise fail well and truly to do and perform all and every the acts, matters, and things hereby required to be by him performed, such Provost Marshal or other minister or officer shall be liable to a penalty not exceeding twenty pounds, for every such default. Whenever any of the said courts respectively shall award any process against the said Provost Marshal or his lawful deputy, or award any process in any cause, matter, or thing in which the said Provost Marshal or his lawful deputy cannot act on account of his being related to the parties or any of them or by reason of any good cause of challenge, in every such case it shall be lawful for the court awarding any such process to name and appoint some other fit person to execute and return the same to whom the same shall be directed.

When process is awarded against Provost Marshal, &c., court to name some other person to execute the same.

Police Magistrates.

Penalty on Police Magistrates &c., for neglect &c., of the duties prescribed by this Act.

15. Any Police Magistrate or other ministerial officer who shall wilfully neglect or refuse the duties hereby enjoined in manner herein prescribed, or shall abuse the authority hereby reposed in them respectively, shall be liable to a penalty for every such offence not exceeding fifty pounds.

Penalties.

Recovery of penalties.

16. All offences and penalties under this Act, where not otherwise provided for, shall be prosecuted and recovered.

Jurors Act.

SCHEDULE A.

Residence.	Christain and surname at full length.	Title, calling or business.	Nature of qualification.	Age.

Dated the day of 18 A. B.

1891—9.

Superintendent of Public Works Act.

1891—9.

An Act to consolidate and amend the Acts of this Island relating to the Superintendent of Public Works.

[28 March 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

Short title.

1. This Act may be cited as the Superintendent of Public Works Act, 1891.

Appointment of Superintendent of Public Works.

2. It shall be lawful for the Governor, as often as may be necessary, to appoint a fit and proper person to be Superintendent of Public Works, who shall be paid a salary at the rate of three hundred pounds per annum, and such person so appointed shall not hold any other office or situation, or engage in any other business or calling whatsoever.

Duties of Superintendent with regard to public works.

3. The services of the Superintendent shall be at the disposal of every department of the colony entrusted with the erection of public works and buildings, without any additional charges in excess of his salary; and he shall prepare for such departments plans, specifications, and estimates for new works and buildings to be undertaken, and for alterations and improvements and repairs to existing public works and buildings, and he shall superintend and inspect all such public works and buildings, and see that the erection, alteration, improvements, and repairs of the same are faithfully carried out; and he shall see that all contracts entered into in reference to public works and buildings are strictly complied with: and he shall in all matters and things relating to public works and buildings render all necessary advice and assistance to the departments in charge thereof, and he shall attend to all such instructions and directions as shall from time to time be given to him by the Governor, and the said several departments in reference to the inspection of public works and buildings, and shall report annually to the Legislature on the condition of the same.

and

in respect to works undertaken by local authorities.

4. In the execution of works and buildings for local purposes, undertaken by parochial or other local authority, the Governor may, should it appear to him necessary and

1891—9.

Superintendent of Public Works Act.

expedient, require the Superintendent to aid the parties engaged therein with his advice, assistance, and generally to extend to them the benefit of his professional services.

5. All plans, specifications, and estimates and all documents and papers of what kind soever which shall be furnished by the Superintendent of Public Works in the discharge of his duties as such Superintendent, shall be considered public property, and together with all books, plans, specifications, and estimates, and documents, and papers of whatever kind, and all tools and instruments committed to such Superintendent for safe custody, shall, on the vacation of office by such Superintendent, be delivered to such person as the Governor by his orders shall empower to receive them. Plans, specifications, &c., to be public property.

6. The Governor is hereby authorized as often as may be necessary to appoint a clerk to the Superintendent of Public Works at a salary of one hundred pounds per annum, to be paid monthly on the warrant of the Governor-in-Executive Committee. Clerk.

1891—10.

An Act to consolidate and amend the Acts of this Island relating to the Registration of Births, Baptisms, Marriages, and Burials.

[3 April 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Registration (Births, Baptisms, Marriages, and Burials) Act, 1891.

PART I.

REGISTRATION OF BIRTHS.

Interpretation.

2. In this part of the Act unless the context otherwise requires, “registrar” shall mean in the case of district “A” terms. Interpretation of

Registration (Births, &c.) Act.

the officer appointed by the Inspector General of Police for the purposes of this Act, and in the case of the other districts shall mean the sergeant in charge of the police station of the district, or any officer deputed by the Inspector General to perform the duties required of such sergeant under this Act, in case of his death, illness, or unavoidable absence.

“Occupier,” shall for the purposes of the notification of births for registration include the governor, keeper, master, superintendent or other chief resident officer of every prison, and of every school, reformatory, almshouse, hospital, lunatic asylum, or other public or charitable institution, and, where any house is let in separate apartments or lodgings, shall include the person under whom such lodgings or separate apartments are immediately held, and any agent or servant of such person residing in such house.

Registration districts.

Island divided
into six districts
for the purposes
of registration ;
their limits, &c.

3. For the purposes of registration under this part of the Act, the Island shall be divided into the following districts, that is to say :—

District “A” which shall comprise the parish of Saint Michael.

District “B” which shall comprise the parishes of Saint George and Christ Church.

District “C” which shall comprise the parishes of Saint Philip and Saint John.

District “D” which shall comprise the parishes of Saint Thomas and Saint James.

District “E” which shall comprise the parishes of Saint Peter and Saint Lucy.

District “F” which shall comprise the parishes of Saint Andrew and Saint Joseph.

Salary of regis-
trars.

4. The registrar of district “A” shall receive ten pounds per annum and the registrars of the other districts shall receive five pounds each per annum for the duties they are respectively to perform under this Act, and such salaries shall be paid them monthly on the warrant of the Governor-in-Executive Committee.

1891—10.

Registration (Births, &c.) Act.

Registration of births.

5. Every registrar is hereby authorized and required to inform himself carefully of every birth occurring in his district, and to register the same as soon after the event as conveniently may be done in the proper register book, entering the particulars required to be registered according to the following form :—

Duty of registrars to ascertain and register births.

FORM OF REGISTER OF BIRTHS.

	Number.	
	Date when born.	
	Name (if any).	
	Sex.	
	Christian name.	Parents' names.
	Surname.	
	Maiden name of mother.	
	Abode.	
	Rank or profession of father.	
	Date when registered.	
	Name and abode of informant.	
	Signature of Registrar.	
	Signature of the person registering the child.	
	Baptismal name if added after registration of birth.	

Registration (Births, &c.) Act.

Notification of birth to be given to registrar.

6. (1) The father of every legitimate child, or the mother, if the father is dead, or, if both the father and mother are dead, the possessor or occupier of the house, or of the apartment or dwelling in which such child is born, or the head of the family or household or of the persons residing or being in such house, apartment, or dwelling; and the mother of every illegitimate child, or, if the mother is dead, the possessor or occupier of the house, apartment, or dwelling in which such child is born, or the head of the family or household or of the persons residing or being in such house, apartment, or dwelling, shall within forty two days after the birth of any child, whether the same be born alive or be still-born, give or cause to be given notice of the birth of such child to the registrar of the district in which such child shall be born, and such notice shall contain and express the following particulars, that is to say : the day of the birth of the child ; the sex of the child ; the name of the child if a name has been given to it ; the names, abode, and quality, trade, or profession of the father and mother, if the child is legitimate ; and if illegitimate the name, abode, and quality or occupation of the mother ; and, if the child is still-born, such fact shall be stated.

Penalty for default.

(2) Every person liable to give the notice herein required to be given who shall fail to give such notice shall, on being convicted thereof, be liable to a penalty not exceeding five pounds.

Registration of child of parent domiciled in this Island born at sea.

7. If any child of a parent domiciled in this Island is born on board of any vessel at sea, the person in command of such vessel shall make a minute in the log-book of such vessel of the several particulars required to be registered touching such birth so far as the same may be known, and shall, as soon as practicable, transmit a certified copy of such minute to the Registrar of the Island who shall file the same in the Registration Office and shall cause a true entry thereof to be made in the register book of the district in which the parent of such child resides.

Registration of new-born child found exposed.

8. If any person finds exposed any new-born child, he shall immediately thereafter give notice thereof to the registrar of the district, and, in default of so doing, he shall on being convicted thereof, be liable to a penalty not exceeding five pounds.

Registrar of Island to send district registrars copies of the duplicate

9. The Registrar of the Island shall, within ten days after receiving the copies of the registration of baptisms required to be sent to him by each religious body, denomination, sect, or person authorized by law to baptize, cause

Registration (Births, &c.) Act.

copies of such copies to be made and sent to the respective registers of births sent him by ministers.

10. (1) It shall be lawful for the registrar, at any time after the expiration of forty two days and within twelve months after the day of the birth of any child, at the instance of any person present at the birth of such child, or of any other person interested on behalf of such child, who makes solemn declaration, to the best of his knowledge and belief, of the particulars required to be known touching the birth of such child, then and there to register the birth of such child according to the particulars of such declaration.

(2) Every person who knowingly registers or causes to be registered the birth of any child otherwise than is herein mentioned after the expiration of forty two days after the birth of such child shall, on being convicted thereof, be liable to a penalty not exceeding five pounds.

11. (1) If any child born in this Island whose birth shall have been duly registered shall, within six months after such registration, have any name given to it in baptism, the parent or other person procuring such name to be given may, within seven days after such baptism, procure and deliver to the registrar a certificate according to the form contained in this section, signed by the minister who shall have performed the rite of baptism; and such certificate the said minister is hereby required to deliver on demand made and on receipt of a fee of sixpence.

CERTIFICATE OF BAPTISM.

I do hereby certify that I have this day baptized by the name of a [male, female] child produced to me by as the [son, daughter] of and of and declared by the said to have been born at in the registration district on the day of

Dated this day of (Signed)

Minister.

(2) The Registrar upon the receipt of such certificate shall, without any erasure of the original entry, forthwith register the name by which the child was baptized; and he shall also certify upon such certificate the additional entry so made, and shall send the certificate to the Registration Office to be there recorded.

*Registration (Births, &c.) Act.**Books.*

Registers of births to be kept in prescribed form, the entries being numbered progressively. Copies to be made and certified and sent to Registrar of Island.

12. Registers of births shall be kept in proper bound books, and such book shall be in the form given in section five of this Act, and the entries in the register books in respect of each year shall be numbered progressively to the end of each year, the first entry to be distinguished by the number one; and a copy of such register made on duplicate sheets and corresponding in every particular with the aforesaid bound books shall between the first and tenth days of every month be transmitted by each registrar to the Registrar of the Island, to be kept by him as records of his office; and each registrar shall certify in writing on such copy of the register that the same is a true and correct register of the births registered for the then past month.

Penalty for failing to forward certified copies.

13. If any registrar shall fail to forward to the Registrar of the Island the duplicate registers, which he is required to forward to him, between the time in which he is required to forward him the same, he shall for every day immediately following those times respectively during which he makes default in forwarding such duplicate registers forfeit a sum not exceeding one pound.

Error in register.

Procedure for correcting any erroneous entry discovered in a register.

14. (1) If any error is discovered in the entry of any birth in any register, the person discovering the same shall forthwith give information thereof to the chief clerk in the Registration Office.

(2) Such chief clerk shall summon before him the person who made, and any person concerned in making, such erroneous entry, or any person having any knowledge regarding the same, and also any person interested in the effect of such erroneous entry, and shall examine all such persons on oath; and for this purpose such chief clerk shall have the like powers for summoning, enforcing the attendance of, and examining such persons as a Magistrate has for summoning, enforcing the attendance of, and examining witnesses in his police court in its criminal jurisdiction.

(3) If upon making due inquiry under this section such chief clerk is satisfied that an error has been committed in any entry in any of the registers, he shall forthwith correct the erroneous entry, according to the truth of the case, in the margin of the register, without erasure or obliteration of the original entry;

Registration (Births, &c.) Act.

and such marginal entry shall contain a reference to the affidavit or declaration upon which the chief clerk made the correction, and shall be signed by such chief clerk; and in every such case such chief clerk shall cause the correction to be duly entered and signed in the duplicate register in the Registration Office.

Searches.

15. (1) Any person may make a search in the index and register books in the office of the Registrar of the Island during the hours in which the office is open by law for public business, and may require and obtain a copy of any entry duly certified under the hand of the Registrar of the Island.

Right to search registers in Registration Office and fee for searching.

(2) For a general search of the indexes and registers a fee of ten shillings shall be paid by the person desiring to make the search; and for a certified copy of any entry, a fee of sixpence shall be paid.

(3) The foregoing fees shall be paid for the public uses of the Island.

16. Any person may, on giving forty eight hours' notice to any registrar, search the register books in the custody of such registrar for any entry made therein and which shall not have been included in the sheets transmitted in any preceding month to the Registration Office, on payment of a fee of sixpence; and may obtain a certified copy of any such entry under the hand of the registrar on payment of a fee of sixpence.

Right to search registers in registrar's possession and fee for searching.

Penalties.

17. Every registrar who refuses, or without reasonable cause neglects to register any birth of which he shall have had information or notice, and every person who has the custody of any register book or of any form on which any entry of any birth has been made, and who wilfully or carelessly injures or loses the same, or wilfully or carelessly allows the same to be injured whilst in his custody, shall respectively, on being convicted thereof, be liable to a penalty not exceeding twenty pounds.

Penalty on registrar for refusing to register birth, &c.

18. If any registrar wilfully makes any false entry in any register of births, knowing the same to be false, he shall be guilty of felony, and being convicted thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding three years.

Penalty on registrar making a false entry.

Registration (Births, &c.) Act.

Penalties on any person wilfully injuring &c., any register book &c., or falsely making any entry therein, &c.

19. Every person who—

(1) wilfully injures or destroys, or causes to be injured or destroyed, any register book or any part thereof, or any form upon which an entry has been made under this Act; or

(2) falsely makes or counterfeits, or causes to be falsely made or counterfeited, any part of such register book, or any certified extract thereof or any entry in such form as aforesaid; or

(3) wilfully inserts, or causes to be inserted in any register book, or extract, or form as aforesaid, any false entry of any birth; or

(4) wilfully gives any false certificate or falsely certifies any writing to be a copy or extract of any register book, knowing the same to be false in any part thereof; or

(5) forges or counterfeits the signature of any registrar or of his deputy appointed under this Act, or of any other person, to any entry, certificate, or thing by this Act required to be made, given, or done;

shall be guilty of felony, and being convicted thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding three years.

Penalty for false statements, &c.

20. Every person who does any of the following acts, that is to say—

(1) wilfully makes any false answer to any question put to him by a registrar relating to the particulars required to be registered concerning any birth, or wilfully gives to a registrar any false information concerning any birth; or

(2) wilfully makes, gives, or uses any false statement or representation as to a child born alive having been still-born, or falsely pretends that any child born alive was still-born; or

(3) makes any false statement with intent to have the same entered in any register of births;

shall in every such case be guilty of an offence, and being convicted thereof shall be liable to a penalty not exceeding twenty pounds.

Signature may be made by a mark duly attested.

21. In case any person whose signature is required under this Act is unable to write, he shall make his cross-mark as his signature, and such cross-mark, being made in the presence of the registrar, or other person attesting the same, shall be as binding as if the signature of such person had been written by him if capable to write.

Registration (Births, &c.) Act.

22. The Registrar of the Island shall, at the commencement of every year, submit to the Governor an abstract of the births registered during the preceding year, in such form as the Governor may from time to time direct, and such abstract shall be printed for public information.

Registrar of Island to submit annually to the Governor an abstract of the preceding year's registers.

Miscellaneous.

23. In case of any birth occurring on board of any vessel in any port or harbour, or in the waters of this Island, the master or other person in charge of such vessel shall be bound to report such birth in like manner, and subject to the like penalties in case of disobedience, as is required of the occupier of a house on shore; and the master or other person in charge of any colonial craft shall also in like manner, and subject to the like penalties as aforesaid, report in like manner any birth occurring on board of any such craft, whether moored or on any coasting or other voyage within the Island.

Report of birth on board vessel in harbour &c.

24. The first part of this Act shall not apply to officers and soldiers of the British Army on military service in this Island.

Act not to affect officers &c.

25. (1) The Governor-in-Executive Committee may from time to time make rules and regulations for the guidance of the registrars in the performance of their duties, and generally for the better carrying out of the provisions of this Act.

Rules and regulations.

(2) The forms contained in this Act may at any time be altered or rescinded by any such rule or regulation.

PART II.

REGISTRATION OF BAPTISMS, MARRIAGES, AND BURIALS.

Registers.

26. (1) Registers of baptisms (private or public), marriages, and burials solemnized by any religious body, denomination, sect, or person authorized by law in this Island, shall be made and kept in proper bound books, and such books shall be in the forms given in this section with the adaptations necessary to the circumstances of each case; and the entries in the register books in respect of each year shall be made immediately after the solemnization of any baptism, marriage, or burial by the person solemnizing the same and shall be numbered progressively to the end of each year, the first entry to be distinguished by the number one; and a copy of such register,

Register of baptisms, marriages, and burials to be kept in a prescribed form.

Entries in the register books to be made and numbered progressively, and a copy made on duplicate sheets. Copies to be cer-

Registration (Births, &c.) Act.

tified and transmitted to Registrar to be kept as records of his office.

made on duplicate sheets, and corresponding in every particular with the aforesaid bound books, shall between the first and tenth days of every month be transmitted by each religious body, denomination, sect, or person authorized by law, to the Registrar of the Island, to be kept by him as records of his office, and the proper officiating minister of every such religious body, denomination, sect, or person authorized by law (as the case may be), shall certify in writing on such copy of the register that the same is a true and correct register of the baptism, marriage, or burial solemnized for the past month.

Making and keeping parochial registers.

Baptisms solemnized in the of in the
Island of Barbados, in the year 189

Number.	When baptized.	When born.	Child's Christian name.	Parents' Names.		Mother's maiden surname.	Abode.	Rank, occupation, or profession of father.	Minister officiating.
				Christian.	Surname.				

Burials solemnized in the _____ of _____ in
the Island of Barbados in the year 189 _____

Number.	When buried.	Name and surname.	Age	Rank, occupation, or profession.	Abode	Place of birth.	Minister officiating.

1891—10.

Registration (Births, &c.) Act.

Marriages solemnized in the of in
the Island of Barbados in the year 189

Number.	When married.	Name and surname.	Age.	Condition.	Rank, occupation, or profession.	Residence at time of marriage.	Father's name and surname.	Rank, occupation, or profession of father.

Married in the according to the rites and ceremonies of (by license, or after banns, as the case may be) by me.
This marriage was solemnized between { in the presence }
us, { of us, }

(2) If any minister or other person solemnizing any baptism, marriage, or burial shall fail to forward to the Registrar of the Island the duplicate registers which he is required to forward him between the times in which he is required to forward him the same, he shall for every day immediately following those times respectively during which he makes default in forwarding such duplicate registers forfeit a sum not exceeding one pound. Penalty for failing to forward duplicate registers.

(3) Every Rector, Curate, officiating Minister of any religious body, denomination, or sect, or person authorised by law shall immediately after every office of matrimony solemnized by him enter in the marriage register book the several particulars relating to the marriage according to the third form hereinbefore given, and every such entry shall be signed by such Rector, Curate, officiating Minister of any religious body, denomination, or sect, or person authorized by law, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of the book. Entry of marriages how to be made.

(4) If any person shall wilfully make, or cause to be made for the purpose of being inserted, or shall insert or permit to be inserted in any register of baptism, marriage, or burial, any false statement touching any of the particulars herein required to be known and registered, such Penalty on false statements in register.

Registration (Births, &c.) Act.

person shall be guilty of a misdemeanour and shall be imprisoned for any time not exceeding two years with or without hard labour.

Neglect of duty by registering officer.

Penalty on refusal or omission to register; and on injury or loss of registers.

27. If any Rector, Curate, officiating Minister of any religious denomination, or sect, or person authorized by law shall refuse, or without reasonable cause omit, to register any baptism, marriage, or burial solemnized by him; or if any person having the lawful custody of any register books, or certified copy thereof or of any part thereof, shall carelessly lose or injure the same or carelessly allow the same to be injured whilst in his keeping, such person shall forfeit for the public uses of the Island a sum not exceeding twenty pounds for every such offence.

Military registration.

Chaplain of forces: his duties under Act.

28. (1) The Chaplain of Her Majesty's forces stationed in this Island, or other person duly authorized to solemnize baptisms, marriages, and burials among officers and others in garrison or subject to military authority, and with respect to other persons permitted to be interred in the military cemetery at Saint Ann's, is hereby declared exempt from the provisions of the preceding sections of this part of this Act, and shall instead be subject to the provisions in this section contained.

Assistant Adjutant General or person under any military regulation having the custody of registers of baptisms, &c., to forward certified copies thereof half-yearly to the Registrar.

(2) Certified copies made on duplicate sheets and corresponding in every particular with the registers or other entries of baptisms, marriages, and burials solemnized or taking place among officers, soldiers, and others in garrison, or subject to military authority, and with respect to other persons permitted to be interred in the military cemetery at Saint Ann's, shall on the first day of January and July in every year be forwarded by the Assistant Adjutant General or person who under any military rule or regulation has the custody of such registers or other entries of baptisms, marriages, and burials as aforesaid, to the Registrar of this Island, and the person who under any military rule or regulation has the custody of such registers or other entries of baptisms, marriages, and burials as aforesaid shall certify on such copies that the same is a true and correct register or other entry of the baptisms, marriages, or burials solemnized for the past six months.

Proceedings to be taken if certi-

In default of the person who under any military rule or regulation has the custody of such registers as aforesaid

Registration (Births, &c) Act.

complying with the provisions of this Act, by refusing or neglecting to forward to the Registrar of the Island such certified copies of such registers or other entries as aforesaid, the Registrar of the Island shall within fifteen days after the date on which the same should have been received report the same to the Governor who shall with all convenient speed forward such report to the Officer for the time being in command of Her Majesty's forces in this Island.

PART III.

MISCELLANEOUS.

Supply of books and duplicate sheets.

29. The Treasurer of the Island shall provide the bound books and duplicate sheets required to be kept in accordance with the provisions of this Act, from time to time as it may be necessary to do so, at the public cost.

Treasurer to provide at public cost books and duplicate sheets.

Registers to be kept in the Registration Office.

30. The duplicate registers shall be bound and indexed and kept in the Registration Office of this Island at the public cost.

Binding and indexing.

Evidence.

31. Every original register of any birth, baptism, marriage, or burial, and every copy thereof certified under the hand of the registrar, Rector, Curate, officiating Minister of any religious denomination, body, or sect, or person authorized by law, who for the time being shall have the custody of the original, to be a true copy; and also every copy of any such register which hath been or shall be deposited according to law in the Registration Office of this Island, and also every copy certified under the hand of the said Registrar of the Island to be a true copy of the copy deposited in his office, shall respectively be admitted in all courts and places in this Island as legal evidence of facts therein recorded.

Originals and copies certified by Rector or Registrar of Island admitted as evidence.

Certificate of registration.

32. Any person shall on payment of a fee of sixpence be entitled to demand of every registrar, Rector, Curate, Minister, or person in charge of a register book, a copy of the register of any birth, baptism, marriage, or burial

Fee to be paid for certificate of baptism, &c.

Registration (Births, &c.) Act.

certified under the hand of such registrar, Rector, Curate, Minister, or person, to be a true copy; and any registrar, Rector, Curate, Minister, or person as aforesaid who shall refuse to furnish such certified copy within three days after tender of sixpence shall be liable to a penalty not exceeding ten pounds; provided always that in case the person demanding such certified copy shall be unable to state to such registrar, Rector, Curate, Minister, or person, the date of the registration of birth, baptism, marriage, or burial, as the case may be, then such registrar, Rector, Curate, Minister, or person, shall be entitled to demand a fee of sixpence for each year of search. All fees received by the Registrar of the Island shall be paid into the Public Treasury to the credit of the general revenue.

Protection of registers.

Destroying &c. registers, misdemeanour, and subjects offender to imprisonment.

33. If any person shall unlawfully, wilfully, and maliciously injure, erase, obliterate, or destroy, or cause or procure to be injured, erased, obliterated, or destroyed, any such original register, or duplicate original register, as aforesaid, such person shall be deemed guilty of a misdemeanour, and on being duly convicted thereof shall be liable to be imprisoned for any term not exceeding twelve months; and if any person shall unlawfully and wilfully forge or alter, or falsely make, or cause or procure or permit to be forged or altered or falsely made, any such original register or duplicate original register, or any certified copy thereof respectively, or shall knowingly and wilfully deliver, offer, utter, or put off any such forged, false, or altered copy, he shall be guilty of a misdemeanour and shall be liable, for such his offence, on conviction thereof, to be imprisoned for any term not exceeding eighteen months.

Forging &c. registers or certified copies, or altering such copies, subjects offender to imprisonment.

Penalties.

Penalties how recovered.

34. All penalties imposed by this Act, not otherwise provided for, may be recovered in a summary manner before any Police Magistrate, on complaint of any person, and shall be paid into the Public Treasury for the uses of the Island.

Act not to apply to registers of civil marriages.

Cases not within Act.

35. The provisions of this Act shall not apply to the registration of any civil marriage solemnized by a Police Magistrate nor to the registers of such marriages.

1891—11.

Grants in Aid (Churches) Act.

1891—11.

An Act to consolidate and amend the Acts of this Island relating to making Grants in Aid to Churches other than the Established Church.

[15 April 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Grants in Aid (Churches) Short title Act, 1891.

Moravians.

2. There shall be paid monthly from the Public Treasury, by warrant of the Governor-in-Executive Committee, to the superintendent of the church of the United Brethren, commonly called the Moravians, established in this Island, the annual sum of four hundred pounds, being one hundred pounds to each of the four established missionary stations.

Grants £400 per annum to Moravian mission.

Wesleyans.

3. There shall be paid monthly from the Public Treasury, by warrant of the Governor-in-Executive Committee, to the superintendent of the Wesleyan mission in this Island an annual sum of seven hundred pounds for the uses of the said mission.

Grants £700 for uses of Wesleyan mission.

Roman Catholics.

4. There shall be paid monthly from the Public Treasury, by warrant of the Governor-in-Executive Committee, to the minister of the Roman Catholic church in this Island an annual sum of fifty pounds.

Grants a stipend of £50 per annum to minister of Roman Catholic church.

1891—12.

Boatmen, Carters, and Porters Act.

1891—12

An Act to consolidate and amend the Acts of this Island relating to Boatmen, Carters, and Porters.

[16 April 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

Short title. **1.** This Act may be cited as the Boatmen, Carters, and Porters Act, 1891.

How offences under this Act are to be heard. **2.** It shall be lawful for either of the Police Magistrates of the city of Bridgetown and the Police Magistrate of district “E” to hear and determine all offences against the provisions of this Act, whether the same be committed within or without their jurisdiction, and also all disputes or causes of complaint that may arise out of the same.

Registration of carts, droughers, lighters, and boats. **3.** Every proprietor of every cart drawn by porters or otherwise, and let for hire in the city of Bridgetown or Speights Town, and the proprietor of every drougher, lighter, flat, boat, or wherry plying for hire in the carenage, Carlisle Bay, or the bay of Speights Town, shall sometime in the month of January in each year register his name with the Colonial Treasurer of this Island, who on payment of one shilling by the applicant for each cart or drougher, lighter, flat, boat, or wherry, shall give him a certificate of his having done so, with the number of registration, which certificate shall continue in force only until and inclusive of the thirty first day of December following.

Boat's number to be on bows. **4.** Every boat registered as a plying boat for hire shall have its number conspicuously painted on both bows.

Provision for registering after 31st January. **5.** Any person desirous of registering a cart or drougher, lighter, flat, boat, or wherry, after the thirty first day of January in any year, may do so on payment of one shilling to the Treasurer, such registration to continue in force until the thirty-first day of December in such year.

Carts, droughers, and boats to be marked with owner's name. **6.** No person or persons shall presume to let for hire any such cart, or any such drougher, lighter, flat, boat, or wherry, without first registering the same at the Treasurer's office as aforesaid, and any cart or drougher, lighter, flat, boat, or wherry so registered shall be distinguished by the

Boatmen, Carters, and Porters Act.

owner's name, and by the number of the register marked on both sides of such cart, and within and without the stern of every such drougher, lighter, flat, boat, or wherry, in the most conspicuous manner ; and no person shall blot out or obliterate, alter, or deface the letters or figures of distinction so appointed for such carts and droughers, lighters, flats, boats, or wherry.

7. Every person desirous of exercising the calling or occupation of a porter or carter in the city of Bridgetown or in Speights Town, or of a boatman in Carlisle Bay, the careenage, or the bay of Speights Town, shall sometime in the month of January in each year register his name with the Colonial Treasurer of this Island, who on payment of one shilling by the applicant shall, on his presenting a certificate of good character signed by two well known and respectable persons, issue a badge to the applicant of convenient size made of metal or some other durable material, with the name of his calling or occupation, and the year of issue, and the number of his registration engraved, stamped, or marked thereon, and the person to whom the said badge shall be granted shall wear the same exposed to view ; and such badge shall be issued anew in every year free of charge, and any boatman, carter, or porter not wearing such badge exposed to view as aforesaid shall on conviction before a Police Magistrate incur a penalty not exceeding two shillings and sixpence.

Registration of porters, carters, and boatmen.
Fee.
Issue and wearing of badge.

8. Any person desirous of exercising such calling or occupation after the thirty first day of January in any year may register his name with the said Treasurer, on payment of one shilling, and complying with the conditions aforesaid, which registration shall be in force to the thirty first day of December in such year.

Provision for registering after 31st January.

9. In case any person shall forge such certificate of registration, or of character, or cause or procure the same to be forged, or shall forge, make, or counterfeit any such badge, or cause or procure the same to be done, or in case any person shall deliver any such forged or counterfeited certificate to any person, to enable such person to pass himself off as a registered proprietor, porter, carter, or boatman, or in case any person so receiving from the said Treasurer such certificate or badge, shall transfer, lend, or allow to be used by any other person such certificate or badge which may have been granted to such person, every party so offending shall incur a penalty not exceeding five pounds.

Forging certificate or counterfeiting badge.

Boatmen, Carters, and Porters Act.

Under what circumstances names may be struck off the registers.

10. Every boatman, carter, or porter as aforesaid, who shall be convicted of dealing in stolen goods, or holding any illicit traffic shall, in addition to any punishment imposed by law on any first conviction, have his name struck off the register for twelve months from the expiration of his sentence, and on a second conviction be forthwith struck off the register and for ever incapacitated from exercising any such calling or occupation in either of the towns or bays aforesaid, and the Judge or Police Magistrate before whom such porter, boatman, or carter is convicted is hereby required to furnish the Colonial Treasurer of the Island with a notice of such conviction.

Fares for city of Bridgetown and carenage.

11. The fares mentioned in the schedules A and B to this Act annexed shall be the fares to be taken by porters, carters, and boatmen of passenger boats, for hire in the city of Bridgetown, carenage, and Carlisle bay : and from any part of the city to any other part not therein mentioned the fares shall be adjusted by the Police Magistrate.

Fares of other than four-oared boats.

12. The fares which any boat other than a four-oared boat shall be entitled to receive shall only be at the rate of one half of the fares mentioned in schedule B.

Vestry of Saint Peter to fix fares for Speights Town.

13. The Vestry of the parish of Saint Peter shall fix the rates which shall be taken by the porters, carters, and boatmen in Speights Town and the bay of Speights Town, and shall cause a schedule of such fares to be affixed in some conspicuous place in the offices of the Parochial Treasurer of the said parish and of the Police Magistrate of district E.

Colonial Treasurer to set up tables of fares.

14. The Colonial Treasurer of this Island shall affix in some conspicuous place in his office separate schedules, showing the number of register, name, and place of residence of the proprietors of all carts and boats registered, and the number of register, and names and places of residence of all porters, carters, and boatmen registered as aforesaid, and shall also cause to be affixed in his said office, in like manner, separate schedules of the fares to be taken by the said porters, carters, and boatmen in accordance with the schedules hereunto annexed, and he shall also furnish the Harbour and Shipping Master of the Island with schedules showing the name, place of residence, and number of register of the proprietors of boats registered, and of boatmen, and the said Harbour and Shipping Master shall cause the same to be affixed in some conspicuous place in his office, as

Boatmen, Carters, and Porters Act.

well as a schedule showing the fares to be taken by the said proprietors and boatmen under and by virtue of this Act ; and the Treasurer shall cause to be fixed in some conspicuous place at each landing on the wharf a large board with the schedule B printed thereon with black ground and white letters and figures of not less than one inch in length and width, and any person convicted of wilfully defacing the aforesaid table of fares shall incur a penalty not exceeding twenty shillings.

15. Every proprietor of any cart or drougher, lighter, flat, boat, or wherry, or the conductor of any cart or drougher, lighter, flat, boat, or wherry, and every porter, carter, or boatman who shall demand or take more than the proper fares prescribed under the authority of this Act, or who shall refuse to carry any load, fixed or to be fixed, as aforesaid, or who shall refuse to hire such cart, or drougher, lighter, flat, boat, or wherry, or to work as porter, carter, or boatman, or who shall misbehave himself, shall be liable to a penalty not exceeding one pound for each offence.

Charging more than established fares.

16. It shall be the duty of the Harbour and Shipping Master of this Island to fix and appoint some proper and convenient station or stations for all passenger boats plying within the carenage, and no boat shall be allowed to lie or remain in any other place, except such so appointed. Provided nevertheless, that no boats shall be allowed to be stationed in the carenage, except such as require at least four boatmen.

Stations for passenger boats.

17. There shall always be a coxswain to each four-oared boat whose name shall be registered at the office of the Colonial Treasurer as attached to the particular boat, and the coxswain shall be one of the four men required to man the boat, and it shall be his duty to select the other three men required to man the boat, when employed in carrying passengers ; and in the case of a change of coxswain the change shall forthwith be notified to the Colonial Treasurer who is hereby required to record such change in the registry of boats kept by him.

Coxswain of each four-oared boat to be registered.

18. It shall be the duty of the Commissioners of Roads for the city of Bridgetown to fix and appoint a stand or stands, for carts plying for hire in the said city, in some convenient place or places within the said city, and of the Commissioners of Roads for the parish of Saint Peter to fix and appoint a stand or stands, for carts plying for hire in Speights Town, in some convenient place or places within the

Stations for carts.

Boatmen, Carters, and Porters Act.

said town, and to report the same to the Inspector General of Police, whose duty it shall be to aid and direct the police to enforce conformity with the regulations, and no cart except when on actual duty shall be allowed to be placed or to remain in any part of the said city or town except in the places so fixed and appointed.

Porters &c., not to leave their carts &c.

19. No porter, carter, or boatman shall leave his cart or boat on any pretence whatsoever, or be allowed to loiter about the streets or alleys of the said city or town.

Acting without a license.

20. No person shall presume to act as a carter or porter as aforesaid in the city of Bridgetown, or Speights Town, or as boatman in Carlisle bay, the carenage, or the bay of Speights Town, without first complying with the provisions of this Act.

Punishment of boatmen for disorderly conduct offensive language &c.

21. Any boatman guilty of disorderly conduct either on the public wharves in Bridgetown or on the stellings in Speights Town, or in boats, or alongside or on board of vessels in Carlisle Bay, the carenage, or the bay of Speights Town, by using offensive language to or annoying passengers or others, or by demanding unlawful fares from passengers, shall for the first offence incur a penalty not exceeding thirty shillings, for the second offence a penalty not exceeding forty shillings with suspension of his certificate as a boatman for any term not exceeding three months, and for a third or subsequent offence shall be liable to imprisonment for any term not exceeding three months with or without hard labour, at the discretion of the Magistrate, and, in addition, to suspension of his certificate for any term not exceeding six months, computed from the expiry of the sentence of imprisonment; and no boatman shall during the period of the suspension of his certificate exercise his calling or occupation as a boatman.

First offence
Second offence.

Third and subsequent offence.

Return of badge in cases of suspension of certificate.

22. In every case of the suspension of the certificate of a boatman, the Police Magistrate making the order suspending the same shall require the boatman to return him his badge, and the Police Magistrate shall forthwith forward to the Colonial Treasurer the badge with notice of the suspension of the certificate and the period for which it is suspended, and the Colonial Treasurer shall note the suspension of the certificate on the register, and the Colonial Treasurer shall keep the badge until the period for which the certificate is suspended has expired, and then upon the application of the boatman for the same return the badge

Boatmen, Carters, and Porters Act.

to him, and, in case the term for which the certificate was originally granted should expire before the date up to which the order of suspension is made, the Colonial Treasurer shall not during the period of suspension grant any new badge to the boatman whose certificate is suspended as aforesaid.

23. Any person dealing with any carter in charge of any waggon, cart, or crank drawn by cattle, horses, mules, or asses, shall be liable to a penalty not exceeding twenty shillings: Carters in charge of carts, &c., penalty for dealing with, Proviso. Provided that nothing in this clause shall extend to the dealing with carters, who shall or may be authorized by a written license from their employers to sell horse meat, or any other article; and it shall be lawful for any police officer to search any waggon, cart, or crank, and to seize any canes, wood, or any other articles therein which he may suspect to have been stolen, and to take the same to the office, and, unless it should be made to appear to the Police Magistrate that such articles have been lawfully come by, he shall condemn the same as forfeited, and order the same to be sold and the net proceeds paid to the seizing officer.

24. All registered boats shall be inspected once in every three months by the Sergeant Major of the Harbour Police; and all owners of such boats shall produce such boats for inspection at the time and place appointed by such Sergeant Major, under a penalty not exceeding five pounds; and if on such inspection such boat shall be adjudged by such Sergeant Major to be in an unsafe condition, he shall report the same to the Colonial Treasurer who shall cancel the registration and certificate made and granted in respect of such boat, and such boat shall be deemed to be an unregistered boat. Inspection of boats.

25. Any one offending against any of the provisions of this Act not otherwise specially provided for shall incur a penalty not exceeding forty shillings. General penalty.

Penalties.

26. All offences and penalties under this Act may be prosecuted and recovered in a summary manner before a Police Magistrate on the complaint of any person, and all penalties when recovered shall be paid, one half to the complainant, and the other half into the Treasury to the credit of the general revenue. Prosecution of offences.

Boatmen, Carters, and Porters Act.

SCHEDULE A.

Porters' fares.

	1 hhd. of fish or oats, 1 pun., 1 tierce, or 5 brls.		1 hhd. sugar, salt or coal, 50 staves.	
	s	d	s	d
For carrying a load from any part of the public wharf to Broad Street, as low as Bullhead Alley, Swan Street, High Street, and intervening streets and alleys.....	10		1	0
From the public wharf to Marlhill Street, Palmetto Street, and Roebuck as far as the corner of New Street, and Church Street.....	1	0	1	3
From the public wharf to Constitution Hill, Roebuck as far as the corner of Pinfold Street, the street leading by the Town Hall as far as Friendly Hall, and intervening streets and alleys.....	1	3	1	8
From the public wharf to James Street, Milk Market as far as the corner of James Street, and Suttle Street, Chapel Street, lower end of Broad Street to the south west gate of St. Mary's Churchyard, Cumberland Street, and intervening streets and alleys.....	1	0	1	3
From the public wharf to Quakers Meeting Street, that is, from the corner of Milk Market and James Street to Greenpark Road, Reed Street, Mason Hall Street, and all intervening streets, lanes, and alleys, as also the alleys about Whitepark Road	1	3	1	8
From the public wharf to Cheapside, from the south west gate of St. Mary's Churchyard to Fontabelle and Lakes Folly.....	1	3	1	8
From the public wharf to Roebuck beyond Pinfold Street, and as far as the Garden.	1	8	2	0
From the public wharf to Bay Street as far as Jordans, commonly called Bedford's, including Pier Head.....	1	0	1	3

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From the public wharf to Bay Street, beyond Jordans, to the corner of Nelson Street including Nelson Street and intervening streets and alleys.....	1	3	1	8
From the wharf to Bay Street above the corner of Nelson Street to Beckles Spring, including the lane leading to Enmore, as also beyond the Garden in the Roebuck as far as the Gulley...	2	0	2	6
From the wharf to Bay Street beyond Beckles Spring to Barrier Bridge at St. Ann's.....	2	6	3	4
From the wharf beyond the Barrier Bridge at St. Ann's to Commissariat stores	3	4	4	2
From Engineer's wharf to the Commissariat stores at St. Ann's—if above 10 loads 1/, or 1/3d. if under.....	1	3	1	8

 SCHEDULE B.

Boatmens' fares.

From the wharf to any vessel at anchor or under weigh within the bay with message or letter.....	s	D
From ditto to ditto with one or two passengers and return, being detained a quarter of an hour.....	1	0
Ditto being detained half an hour.....	1	8
Ditto being detained half an hour.....	2	0
Ditto being detained one hour.....	3	0
From wharf to Engineers' wharf with message or letter	2	0
From wharf to Engineers' wharf with one or two passengers and return immediately.....	2	6
Ditto being detained half an hour.....	3	0
Ditto being detained an hour.....	4	2
For every subsequent hour detained.....	1	8
For every passenger above two.....	0	6
For landing or taking off one or two passengers with a full load of baggage.....	4	2
Ditto with half load of baggage...	3	0
For towing a luggage boat from or to any vessel in the bay.....	4	2

Time for plying.

From sunrise to sunset. Such boatmen as may be disposed to do duty after sunset till nine o'clock, to be entitled to double fares.

1891—13.

Property and Conveyancing Act.

1891—13.

An Act to consolidate and amend the Acts of this Island relating to Real and Personal Property and Conveyancing.

[17 April 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

Short title.

1. This Act may be cited as the Property and Conveyancing Act, 1891.

Interpretation.

Definitions.

2. In this Act except where the nature of the provision or the context of the Act shall exclude such construction, the following words shall have the meanings hereinafter assigned to them respectively, namely:—

(1) “land” includes land of any tenure and tenements and hereditaments, corporeal and incorporeal, and houses and other buildings; also an undivided share in land, whether the same shall be a freehold or a chattel interest;

(2) “estate” includes an estate in equity as well as one at law, and also any interest, charge, lien, or incumbrance in upon or affecting land either at law or in equity, and also any interest, charge, lien, or incumbrance in upon or affecting money subject to be invested in the purchase of land;

(3) “mortgage” includes any charge on land for securing money or money’s worth; “mortgagor” includes any person from time to time deriving title under the original mortgage or entitled to redeem a mortgage according to his estate, interest, or right in the mortgaged land; and “mortgagee” includes any person from time to time deriving title under the original mortgage, and

(4) “judgment debt” includes any debt or sum of money secured or ordered to be paid by any judgment obtained or confessed in any court; “judgment debtor” includes any person from time to time deriving title under the original judgment debtor, or entitled to pay off and have satisfaction entered in respect of the judgment debt, or any part thereof; and “judgment creditor” includes any person from time to time deriving title under the original judgment creditor.

*Property and Conveyancing Act.**Miscellaneous general provisions.*

3. All corporeal tenements and hereditaments shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery. Corporeal tenements &c. to lie in grant.

4. All deeds already made and hereafter to be made by parties entitled to lands, tenements, and hereditaments of this Island and recorded in the Registration Office of this Island shall have the like effect as if livery of seisin had been given of such lands, tenements, and hereditaments. The recording of deeds to have the effect of livery of seisin.

5. Under an indenture executed after the fourth day of April one thousand eight hundred and sixty an immediate estate or interest in any tenements or hereditaments and the benefit of a condition or covenant respecting any tenements or hereditaments may be taken; although the taker thereof be not named a party to the same indenture; also a deed purporting to be an indenture shall have the effect of an indenture although not actually indented. An immediate estate may be taken under an indenture to which taker not a party. Indenting unnecessary.

6. A feoffment shall not have any tortious operation, nor shall an exchange or partition of any land made by deed imply any condition in law, nor shall the word "give" or the word "grant" in a deed imply any covenant in law in respect of any land in feoffments or deeds made or executed subsequent to the twenty seventh day of August one thousand eight hundred and fifty three. A feoffment shall not have a tortious operation; nor an exchange or partition imply any condition.

7. A contingent or executory and a future interest, and a possibility coupled with an interest in land of any tenure, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent, into or upon any land of any tenure, may be disposed of by deed. A contingent interest may be disposed of.

8. All leases, estates, interests of freehold or terms of years, or any uncertain interest of in to or out of any messuages, lands, tenements, or hereditaments made or created by livery and seisin only, or by parol and not put in writing and signed by the parties so making or creating the same, or their agents thereunto lawfully authorized by writing, shall have the force and effect of leases or estates at will only, and shall not, either in law or equity, be deemed or taken to have any other or greater force or effect, any consideration for making any such parol leases or estates, or any law or usage to the contrary notwithstanding; except, nevertheless, all leases not exceeding the term of three Leases, &c., by livery and seisin or parol, not put in writing, to have only the force of leases or estates at will. Exception.

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No leases &c., to be assigned &c., unless by deed or by operation of law.

years from the making thereof, whereupon the rent reserved to the landlord during such term shall amount unto the full or near the value of the thing demised. And moreover, no leases, estates, or interest, either of freehold or term of years, or any uncertain interest of in to or out of any messuages, lands, tenements, or hereditaments shall at any time be assigned, granted, or surrendered, unless it be by deed or note in writing, signed by the party so assigning, granting, or surrendering the same, or their agents, thereunto lawfully authorized by writing, or by act and operation of law.

Assignee of debt may sue in his own name.

9. Any person having any debt or demand of whatsoever nature assigned to him by the person who has good right and title so to do, in the manner set forth in the next section of this Act, may maintain any action or suit for the recovery thereof in any court of law or equity in his own name.

Assignments of demands on simple contract and of specialties.

10. In all cases where any demand on simple contract is transferred, endorsed, or assigned it shall be sufficient for the person so doing to write his name in blank thereon, or direct the sum due to be paid to the assignee or endorsee for value received; but on all specialties the assigner or endorser shall on the security assigned or on a separate paper write to the purport following, viz :

I do hereby transfer and assign the within mentioned or such a particular security for such a sum (mentioning what is due thereon) and all my right, title and interest therein to A.B. for the sum or value of him this day received. Witness my hand the &c. &c.

Which shall be signed by the party in the presence of at least one witness subscribing the same; and it shall be good and effectual for any assignee or endorsee and his proper representatives to maintain their action or suit for the recovery of such debt or demand so assigned, either against the original debtor or any of the endorsers or acceptors thereof, and the officers of the several courts in this Island are hereby directed and required to observe and pursue the directions of such assignee or endorsee in the same manner as they would those of the original creditor. And whatsoever shall be done by such assignee or endorsee shall be good, valid, and effectual to all intents and purposes whatsoever.

Assignment to self and others.

11. Any person by the like means as he might now assign to another person personal property at present as-

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signable by law, including chattels real, shall have power to assign the same in any of the following cases :—

(a) from himself in a fiduciary capacity to himself and another person or persons in the same fiduciary capacity ;

(b) from himself in a fiduciary capacity to himself and another person or persons in a different fiduciary capacity ;

(c) from himself in a fiduciary capacity to himself in another fiduciary capacity ;

(d) from himself in a fiduciary capacity to himself individually ;

(e) from himself in his individual right to himself and another person or persons in a fiduciary capacity ;

(f) from himself in his individual right to himself and another person or persons in their individual rights.

12. Nothing in the preceding section contained shall render valid any assignment of personalty made by one deed which, prior to its passing, would have been invalid if made by two deeds. Not to render certain deeds valid.

13. A receipt for consideration money or securities in the body of a deed shall be a sufficient discharge for the same to the person paying or delivering the same, without any further receipt for the same being indorsed on the deed. Receipt in deeds sufficient.

14. A receipt for consideration money or other consideration in the body of a deed or indorsed thereon shall, in favour of a subsequent purchaser, not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given, wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof. Receipt in deed or indorsed evidence for subsequent purchaser.

15. A contingent remainder existing at any time after the passing of this Act shall be, and if created before the passing of this Act shall be deemed to have been, capable of taking effect, notwithstanding the determination by forfeiture, surrender, or merger of any preceding estate of freehold in the same manner in all respects as if such determination had not happened. A contingent remainder capable of taking effect notwithstanding the determination of the preceding estate.

16. Every contingent remainder created by any instrument coming into operation after the first day of June nineteen hundred and ten in any tenements or hereditaments, which would have been valid as a springing or shifting use or executory devise or other limitation had it not Cases in which contingent remainders capable of taking effect.

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had a sufficient estate to support it as a contingent remainder, shall, in the event of the particular estate determining before the contingent remainder vests, be capable of taking effect in all respects as if the contingent remainder had originally been created as a springing or shifting use or executory devise or other executory limitation.

Restriction on
executory limi-
tations.

17. (1) Where there is a person entitled to land for an estate in fee, or for a term of years, absolute or determinable on life, or for term of life, with an executory limitation over on default or failure of all or any of his issue, whether within or at any specified period of time or not, that executory limitation shall be or become void and incapable of taking effect, if and as soon as there is living any issue who has attained the age of twenty one years of the class on default or failure whereof the limitation over was to take effect.

(2) This section applies only where the executory limitation is contained in an instrument coming into operation after the first day of June nineteen hundred and ten.

Purchasers or
mortgagees may
lose priority by
neglecting to re-
cord their deeds.

18. Where any deed conveying, mortgaging, or charging any land shall be omitted to be recorded in the Registration Office within three months after its execution if executed in this Island, or within twelve months if executed elsewhere, and any person being ignorant of such deed shall be induced to purchase or lend money by way of mortgage or charge on the security of such land, and shall cause his deed of conveyance, mortgage, or security deed to be proved and recorded in the Registration Office, such conveyance, mortgage, or charge so as aforesaid omitted to be recorded shall be null and void as against such subsequent purchaser, or mortgagee, or person having such charge for valuable consideration, but not otherwise. And the legal estate (if any) in the said land which has been conveyed or mortgaged by any such conveyance or mortgage omitted to be recorded as aforesaid shall, so far as is necessary to give effect to this section, but not further or otherwise, be and remain vested in such subsequent purchaser or mortgagee for valuable consideration who shall have duly recorded his conveyance or mortgage as required by this Act. This section shall be retrospective in its operation.

Recitals &c., 20
years old prima
facie proof of
facts stated.

19. (1) In the completion of any contract for selling, mortgaging, or charging any land and subject to any stipulation to the contrary in the contract, recitals, statements, and descriptions of facts, matters, and parties contained in

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deeds, instruments, Acts of the Imperial Parliament or of the Legislature of this Island, or in affidavits, or statutory declarations twenty years old at the date of the contract, shall, unless and except so far as they shall be proved to be inaccurate, be taken to be sufficient evidence of the truth of such facts, matters, and descriptions.

(2) Trustees may sell or buy or mortgage or charge or lend on mortgage or charge without excluding the application of this section.

20. When any freehold hereditaments shall be vested in a married woman as a bare trustee she may convey the same as if she were a feme sole. Married woman who is a bare trustee may convey.

21. A vendor or purchaser or an intending mortgagor or mortgagee of real or leasehold property in this Island, or their representatives respectively, may at any time or times and from time to time apply in a summary way to the Vice-Chancellor of the Court of Chancery for this Island in chambers, in respect of any requisitions or objections, or any claim for compensation, or any other question arising out of or connected with the contract (not being a question affecting the existence or validity of the contract), and the Vice-Chancellor shall make such order upon the application as to him shall appear just, and shall order how and by whom all or any of the costs of and incident to the application shall be borne and paid. Vendor or purchaser &c., may obtain a decision of the Vice-Chancellor in chambers as to requisitions, objections to title &c.

Estates tail.

22. Every actual tenant in tail, whether in possession, remainder, contingency or otherwise, shall have full power to dispose of, for an estate in fee simple absolute, or for any less estate, the land entailed, as against all persons claiming the lands entailed by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous Act would have been vested in or might have been claimed by, the person making the disposition, at the time of his making the same, and also as against all persons, including the Queen's Most Excellent Majesty, her heirs and successors, whose estates are to take effect after the determination or in defeasance of any such estate tail; saving always the rights of all persons in respect of estates prior to the estate tail in respect of which such disposition shall be made, and the rights of all other persons except those against whom such disposition is by this Act authorized to be made. Power to dispose of lands entailed in fee simple, saving the rights of certain persons.

23. The power of disposition hereinbefore contained shall not extend to tenants of estates tail who, by an The power of disposition not

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to extend to cer- Act passed in the thirty fourth and thirty fifth years of
tain tenants in the reign of his Majesty King Henry the Eighth, entitled
tail. "An Act to unbar feigned recovery of lands wherein
the King is in reversion," or by any other Act, are re-
strained from barring their estates tail, or to tenants in tail
after possibility of issue extinct.

Issue inheritable 24. Nothing in this Act contained shall enable any
not to bar ex- person to dispose of any lands entailed in respect of any
pectancies. expectant interest which he may have as issue inheritable
to any estate tail therein.

Extent of the 25. If a tenant in tail of lands shall make a disposition
estate created by of the same under this Act, by way of mortgage, or for any
a tenant in tail other limited purpose, then and in such case such disposition
by way of mort- shall, to the extent of the estate thereby created, be an ab-
gage or for any solute bar in equity as well as at law to all persons as
other limited against whom such disposition is by this Act authorised to
purpose. be made, notwithstanding any intention to the contrary
may be expressed or implied in the deed by which the dis-
position may be effected ; provided always that if the estate
created by such disposition shall be only an estate pur
autre vie, or for years absolute or determinable, or if by a
disposition under this Act by a tenant in tail of lands an
interest, charge, lien, or incumbrance shall be created with-
out a term of years, absolute or determinable, or any greater
estate, for securing or raising the same, then such disposi-
tion shall in equity be a bar only so far as may be necessary
to give full effect to the mortgage, or to such other limited
purpose, or to such interest, lien, charge, or incumbrance,
notwithstanding any intention to the contrary may be ex-
pressed or implied in the deed by which the disposition may
be effected.

Tenant in tail 26. Every disposition of lands by a tenant in tail
to make a dispo- thereof shall be effected by some one of the assurances (not
sition by deed as being a will) by which such tenant in tail could have made
if seized in fee, the disposition if his estate were an estate at law in fee
but not by will simple absolute ; provided, nevertheless, that no disposition
or contract and, by a tenant in tail shall be of any force either at law or in
if a married equity, unless made or evidenced by deed, and that no dispo-
woman, with her sition by a tenant in tail resting only in contract, either
husband's con- expressed or implied or otherwise, and whether supported by
currence. valuable or meritorious consideration or not, shall be of any
force at law or in equity notwithstanding such disposition
shall be made or evidenced by deed ; and if the tenant in
tail making the disposition shall be a married woman the
concurrence of her husband shall be necessary to give effect

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to the same, and any deed which may be executed by her for effecting the disposition shall be acknowledged by her as hereinafter directed.

27. In cases of dispositions of lands by tenants in tail thereof the jurisdiction of courts of equity shall be altogether excluded, either on the behalf of a person claiming for a valuable or meritorious consideration or not, in regard to the specific performance of contract and the supplying of defects in the execution either of the power of disposition given by this Act to tenants in tail, and in regard to giving effect in any other manner to any act or deed by a tenant in tail, which in a court of law would not be an effectual disposition of or covenant under this Act, and no disposition of lands by a tenant in tail thereof in equity shall be of any force, unless such disposition or consent would in the case of an estate tail at law be an effectual disposition in a court of law.

Courts of equity excluded from giving any effect to dispositions by tenants in tail.

28. The lands to be sold, whether freehold or leasehold, or of any other tenure, where the money arising from the sale thereof shall be subject to be invested in the purchase of lands to be settled, so that any person if the lands were purchased would have an estate tail therein, and also money subject to be invested in the purchase of lands to be settled, so that any person if the lands were purchased would have an estate tail therein, shall for all the purposes of this Act be treated as the lands to be purchased, and be considered subject to the same estates as the lands to be purchased would, if purchased, have been actually subject to; and all the previous sections in this Act so far as circumstances will admit shall in the case of the lands to be sold as aforesaid, being either freehold or leasehold or of any other tenure, apply to such lands in the same manner as if the lands to be purchased with the money to arise from the sale thereof were directed to be freehold, and were actually purchased and settled, and shall in the case of money subject to be invested in the purchase of lands to be so settled as aforesaid apply to such money in the same manner as if the money were directed to be laid out in the purchase of freehold lands and such lands were actually purchased and settled; save and except that in every case where under this section a disposition shall be to be made of leasehold land for years absolute or determinable, so circumstanced as aforesaid, or of money so circumstanced as aforesaid, such leasehold lands or money shall, as to the person in whose favour or for whose benefit the disposition is to be made, be treated as

The previous sections to apply to lands of any tenure to be sold where the purchase money is to be invested in the purchase of lands to be entailed and to money to be invested in the like manner.

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personal estate, and the assurance by which the disposition of such leasehold lands or money shall be effected shall be an assignment by deed, which shall have no operation under this Act, unless proved and recorded in the Registration Office of this Island within three calendar months after the execution thereof if executed in Barbados, and twelve if elsewhere.

The land of tenant in tail in possession may be levied on and sold by the Provost Marshal absolutely in fee simple.

29. When any land belonging to any tenant in tail shall be levied on and taken in execution for the debt or debts of such tenant in tail, such tenant in tail being tenant in tail in possession, it shall be lawful for the Provost Marshal to sell and dispose of the same for an estate in fee simple absolute in the same manner as such Provost Marshal would have been authorised to sell and dispose of the same in case such debtor had been entitled to an estate in fee simple in such land. And if such tenant in tail shall become a bankrupt or insolvent debtor, then the Official Assignee of such bankrupt or the trustee of the estate of such insolvent debtor shall be authorised to sell and dispose of such land for an estate in fee simple.

Warranty of tenant in tail void against the issue in tail, &c.

30. All warranties of land made and entered into by any tenant in tail shall be absolutely void against the issue in tail and all persons whose estates are, to take effect after the determination or in defeasance of the estate tail.

Incumbrances.

Purchasers of land incumbered, where the purchase money shall be applied in payment of the incumbrances, may take an assignment to themselves of such incumbrances to protect title, and they shall not merge.

31. When any person shall purchase land subject to a judgment, mortgage, or other lien, and on the face of the conveyance to him such judgment, mortgage, or lien shall appear to be paid off out of the purchase money, or the land shall be conveyed subject to the payment of such judgment, mortgage, or other lien, and the purchaser allowed to retain in his hands a portion of the purchase money for payment thereof, it shall and may be lawful for such purchaser, his heirs or assigns, to take an assignment of such judgment, mortgage, or other lien, as and when the same shall be paid off; and such security and the moneys due thereunder shall by virtue of this Act vest in such purchaser, his heirs and assigns, and not in his executors or administrators, to the end that the possessor of the inheritance may himself be enabled to make use of the same as a protection to his title, and such security shall to the extent of the moneys paid off by him and interest, but not further, be a protection against any such junior incumbrance, and shall not merge in the inheri-

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tance ; provided always that such security shall not be used to protect such lands from the payment of the debts of such purchaser, his heirs or assigns, nor from the debt forming a part of the purchase money of such land, and which such purchaser shall have agreed to pay, but only against such debts of the vendor or other former owner of such land as shall not be included in such purchase money ; and for the better protection of purchasers, all satisfied terms and legal estates outstanding in such land, the purposes for which the same were created having been answered, shall cease, be merged in the inheritance, and considered as reconveyed to the possessor or person entitled to the inheritance of such land.

32. Where a mortgagor or judgment debtor is entitled to redeem the mortgage, or pay off and have satisfaction entered in respect of the judgment debt, he shall by virtue of this Act have power to require the mortgagee or judgment creditor, instead of reconveying or entering satisfaction, and on the terms on which he would be bound to reconvey or enter satisfaction, to assign the mortgage debt and convey the mortgaged property or to assign the judgment debt and the benefit of the judgment and of the writ of execution (if any) thereon and of all other securities (if any) to any third person, as such mortgagor or judgment debtor directs, and the mortgagee or judgment creditor shall by virtue of this Act be bound (as the case may be) to assign and convey as aforesaid or to assign as aforesaid accordingly.

Obligation on mortgagee or judgment creditor to transfer instead of reconveying or entering satisfaction.

33. The preceding section shall apply to mortgages and judgments made and obtained or confessed either before or after its passing and shall have effect notwithstanding any stipulation to the contrary ; provided always that the said section shall not apply to any mortgage or judgment if and so long as the mortgagee or judgment creditor is by any defeasance, condition, or contract precluded from enforcing payment of the principal sum by such mortgage or judgment secured, or of some part thereof.

Cases to which this applies.

34: In all cases in which any part of a mortgage debt or of a judgment debt has been or shall be assigned or transferred to and is held by some person or persons other than the person or persons in whom the remainder of such debt is vested, the mortgagor or judgment debtor shall be entitled to redeem or pay off such part or such remainder as if it were an entire and independent debt ; and in respect of such part and of such remainder and of the securities therefor,

To apply to cases in which part of a mortgage or judgment debt is vested in one person and the remainder in another or other person or persons.

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the mortgagor or judgment debtor on the one hand and the mortgagee or judgment creditor on the other hand shall respectively have and be subject to powers and obligations respectively similar to the powers and obligations which are by section thirty two of this Act respectively conferred and imposed on them respectively in the case of an entire mortgage debt or of an entire judgment debt, and of the mortgage or judgment by which the same is secured.

Release of part of land charged not to be an extinguishment.

35. The release from a rent charge of part of any lands or hereditaments charged therewith shall not extinguish the whole rent charge, but shall operate only to bar the right to recover any part of the rent charge out of the land or hereditaments released, without prejudice nevertheless to the rights of all persons interested in the hereditaments remaining unreleased, and not concurring in or confirming the release.

Release of part of land charged not to affect judgment &c.

36. The release from a judgment, execution, mortgage, decree, or any other lien or incumbrance of part of any land or hereditaments charged therewith shall not affect the validity of any such judgment, execution, mortgage, decree, or any other lien or incumbrance as to the land or hereditaments remaining unreleased, or as to any other property not specifically released, without prejudice nevertheless to the rights of all persons interested in the land, hereditaments, or property remaining unreleased, and not concurring in or confirming the release.

Powers.

Power of personal representative to complete contract.

37. (1) Where at the death of any person there is existing a contract enforceable against his heir or devisee for the sale of the fee simple or other freehold interest descendible to his heirs general in any land, his personal representatives shall by virtue of this Act have power to convey the land for all the estate and interest vested in him at his death in any manner proper for giving effect to the contract.

(2) A conveyance made under this section shall not affect the beneficial rights of any person claiming under any testamentary disposition or as heir or next of kin of a testator or intestate.

(3) This section applies only in cases of death after the tenth day of November one thousand eight hundred and eighty five.

Power of insuring mortgaged

38. Where any principal money is secured or charged by deed on any hereditaments of any tenure, or on any inter-

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est therein, the person to whom such money shall for the time being be payable, his executors, administrators, and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have become payable, according to the terms of the deed, or after any interest on such principal money shall have been in arrear for six months, or after any omission to pay any premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following power to the same extent (but no more) as if such power had been in terms conferred by the person creating the charge, namely :

A power to insure and keep insured from loss or damage by fire the whole or any part of the property (whether affixed to the freehold or not) which is in its nature insurable, and to add the premiums paid for any such insurance to the principal money secured at the same rate of interest.

39. The power and provisions contained in the preceding section relate only to mortgages or charges made to secure money advanced by way of loan, or to secure an existing or future debt. Extent of provision.

40. (1) The donee of a power of attorney may, if he thinks fit, execute or do any assurance, instrument, or thing, in and with his own name and signature and his own seal, where sealing is required, by the authority of the donor of the power ; and every assurance, instrument, and thing so executed and done shall be as effectual in law, to all intents, as if had been executed or done by the donee of the power, in the name and with the signature and seal of the donor thereof. Execution under power of attorney.

(2) This section shall apply to powers of attorney created by instruments executed either before or after the passing of this Act.

41. (1) Any person making or doing any payment or act in good faith, in pursuance of a power of attorney, shall not be liable in respect of the payment or act by reason that, before the payment or act, the donor of the power had died or become lunatic, of unsound mind, or bankrupt, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, or revocation was not at the time of the payment or act known to the person making or doing the same. Payment by attorney under power without notice of death &c. good.

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(2) But this section shall not affect any right against the payee of any person interested in any money so paid; and that person shall have the like remedy against the payee as he would have had against the payer if the payment had not been made by him.

Mode of execution of power.

42. Any deed executed after the tenth day of November one thousand eight hundred and eighty five in the presence of and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing, not testamentary, notwithstanding it shall have been expressly required that a deed or instrument in writing, made in exercise of such power, should be executed or attested with some additional or other form of execution or attestation or solemnity. Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to any appointment having no relation to the mode of executing and attesting the instrument; and nothing herein contained shall prevent the donee of a power from executing it conformably to the power by writing or otherwise than by an instrument executed and attested as an ordinary deed, and to any such execution of a power this provision shall not extend.

A married woman may with her husband's consent dispose of lands and money subject to be invested in the purchase of lands and of an estate therein, and release and extinguish powers, as a feme sole.

43. It shall be lawful for every married woman, in every case except that of being tenant in tail for which provision is already made by this Act, by deed to dispose of lands of any tenure, and money subject to be invested in the purchase of lands, and also to dispose of, release, surrender, or extinguish any estate which she alone or she and her husband in her right may have in any lands of any tenure, or in any such money as aforesaid, and also to release or extinguish any power which may be vested in or limited or reserved to her in regard to any lands of any tenure, or any such money as aforesaid, or in regard to any estate in any lands of any tenure or in any such money as aforesaid, and she may disclaim any estate or interest in any land as fully and effectually as she could do if she were a feme sole; save and except that no such disposition, release, surrender, or extinguishment shall be valid and effectual unless the husband concur in the deed by which the same shall be effected, nor unless the deed be acknowledged by her as hereinafter directed.

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44. Wherever a married woman is entitled to any legacy or other demand not properly recoverable without her name being made use of in the bill, action, or suit together with her husband's, it shall be necessary for her to join in an assignment of such demand and be privately examined thereto, as has been usual in the case of real estate of the wife's inheritance, before the assignee shall commence or maintain an action or suit for recovery thereof; but whenever such assignment shall be made, and she privately examined, it shall be a full release, acquittal, and transfer of such her demand to such assignee; and neither she nor any person claiming by from or under her shall afterwards have any right or title thereto, but the same shall belong to the assignee, his executors administrators or assigns, who may sue in his or their own name or names for recovery thereof for their own benefit or advantage, in trust for such uses and purposes as are mentioned and contained in the said deed of assignment; and so likewise if any decree or judgment shall be obtained in the name of husband and wife, and any assignment thereof afterwards made and executed to any other person, the wife shall be privately examined thereto before the Marshal shall convey to the assignee, or he be capable of releasing or discharging such debt or record.

Assignments by married women of legacies &c.

45. It shall be lawful for every married woman by deed to dispose of every future or reversionary interest, whether vested or contingent, of such married woman or her husband in her right in any personal estate whatsoever to which she shall be entitled under any instrument made after the eighteenth day of October one thousand eight hundred and eighty (except such a settlement as after-mentioned), and also to release or extinguish any power which may be vested in or limited or reserved to her in regard to any such personal estate as fully and effectually as she could do if she were a feme sole; and also to release and extinguish her right or equity to a settlement out of any personal estate to which she or her husband in her right may be entitled in possession under any such instrument as aforesaid, save and except that no such disposition, release, or extinguishment shall be valid, unless the husband concur in the deed by which the same shall be effected, nor unless the deed be acknowledged by her as hereinafter directed. Provided always that nothing herein contained shall extend to any reversionary interest to which she shall become entitled by virtue of any deed, will, or instrument by which she shall be restrained from alienating or affecting

Married women may dispose by deed of reversionary interest in personal estate and release powers over such estate and also their rights to a settlement out of such estate in possession.

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Not to extend to settlement of married woman upon marriage. the same. Provided also that the powers of disposition hereby given to a married woman shall not enable her to dispose of any interest in personal estates settled upon her by any settlement or agreement for a settlement made on the occasion of her marriage.

The powers of disposition given to a married woman by this Act not to interfere with any other power. **46.** The powers of disposition given to a married woman by the preceding sections and by the following sections of this Act shall not interfere with any power which independently of this Act may, by any other Act, be given to her or may by any deed, will, or other instrument be vested in or limited or reserved to her, so as to prevent her from exercising such power in any case, except so far as by any disposition made by her under this Act she may be prevented from so doing.

Power for Court to bind interest of married woman. **47.** Notwithstanding that a married woman is restrained from anticipation, the Court of Chancery may, if it thinks fit, where it appears to the Court to be for her benefit, by judgment or order, with her consent, bind her interest in any property.

Every deed by a married woman for any of the purposes of this Act to be acknowledged by her. **48.** Every deed to be executed by a married woman for any of the purposes of this Act shall, upon her executing the same or afterwards, be produced and acknowledged by her as her act and deed before the Chief Judge, or before a Commissioner for the taking of the acknowledgment and probate of deeds and the private examination of married woman.

The Judge, &c., before receiving such acknowledgment to examine her apart from her husband. **49.** Such Judge or Commissioner as aforesaid, before he shall receive the acknowledgment by any married woman of any deed by which any disposition, release, or extinguishment shall be made by her under this Act shall examine her, apart from her husband, touching her knowledge of such deed, and shall ascertain whether she freely and voluntarily consents to such deed, and unless she freely and voluntarily consent to such deed, shall not permit her to acknowledge the same; and in such case such deed shall so far as relates to the execution thereof by such married woman be void.

Acknowledgments by married women residing out of the Island. **50.** In those cases where by reason of residence beyond the seas any married woman shall be prevented from making the acknowledgment required by this Act before the Chief Judge or a Commissioner of Probates, then it shall be lawful, if such married woman shall be residing in Great Britain or Ireland or any of Her Majesty's dominions, for her to appear before any of Her Majesty's Judges of any court of law or equity, or Mayor of any city or corporation,

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or before the Governor, Chief Officer, or Chief Judge of any place within Her Majesty's dominions; or if such married woman be residing in any foreign country or state, then before any British Consul or Vice-Consul, and in case there be no British Consul or Vice-Consul, then before any Governor, Chief Judge, or any notary public of any foreign country, island, or place where such married woman may reside; and if she shall, apart from her husband, acknowledge before any one of such authorities such deed to be her free and voluntary act and deed made without any compulsion, menaces, or threats by her husband, and such acknowledgment shall be certified under the hand and seal of such Judge, Mayor, Consul, Vice-Consul, Governor, Chief Judge or notary public, and transmitted to this Island, and allowed by the Governor for the time being, and recorded at length in the Registration Office of this Island within twelve calendar months after such acknowledgment, such deed shall be as effectual to convey the lands, tenements, and hereditaments therein comprised as if such married woman had been a resident in this Island, and had executed and acknowledged such deed before the Chief Judge or a Commissioner of Probates.

51. The acknowledgment required to be made by any married woman residing beyond the seas under the preceding section of this Act, or any acknowledgment by or private examination of any married woman residing beyond the seas required to be taken or made under any other Act of this Island in relation to any deed or writing executed by any married woman, may be taken or made in the country, place, or state where the deed or writing is executed by such married woman, before either of the officers or persons before whom the execution of any such deed or writing is authorized to be proved and authenticated in such country, place, or state under the Evidence Act 1905, and any such acknowledgment or private examination may be certified and authenticated by such officers or persons in the same manner as such officers or persons are authorized to certify the proof and authentication of such deed or writing by the Evidence Act 1905, and every deed so acknowledged by a married woman shall be received in all courts and places in this Island as legal evidence without any further proof.

Before whom
they may be
made or taken.

52. If a husband shall, in consequence of being a Court of Common Pleas in the case of a husband being lunatic, &c. may dis-

Property and Conveyancing Act.

pense with his concurrence in any disposition of his wife's property.

residence shall not be known, or he shall be in prison, or shall be living apart from his wife, either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Chief Judge of the Court of Common Pleas of this Island, by an order to be made at chambers upon the application of the wife, and upon such evidence as to the said Chief Judge shall seem meet, to dispense with the concurrence of the husband in any case in which his concurrence is required by this Act or otherwise; and all acts or deeds to be done or executed by the wife in pursuance of such order, in regard to lands of any tenure, or in regard to money subject to be invested in the purchase of lands, shall be done or executed by her in the same manner as if she were a feme sole, and when done or executed by her shall (but without prejudice to the rights of the husband as then existing independently of this Act) be as good and valid as they would have been if the husband had concurred.

A married woman may execute a power of attorney for the sale of lands &c., as a feme sole provided her husband concurs, and the power is acknowledged.

53. It shall be lawful for a married woman to execute a deed poll or power of attorney for the purpose of authorizing the sale or conveyance of any lands, tenements, or hereditaments, or any estate or interest therein, to which she may be entitled in this Island, or for assigning and transferring any mortgages, liens, judgments and executions, decrees, legacies, bonds, or other specialties and choses in action to which she may be entitled in this Island, or her interest therein, as fully and effectually as she could do if she were a feme sole: provided that no such power of attorney shall be effectual for any such purpose unless her husband concur therein, or be a party to the deed executed under the authority of such power; nor unless such power of attorney be acknowledged by her and authenticated in the manner prescribed for the acknowledgment and authentication of deeds disposing of lands by married women in and by this Act.

Such powers when recorded to be admissible in evidence, and all deeds &c: made in pursuance of them valid.

54. Every such power of attorney so acknowledged and authenticated and allowed by the Governor of this Island and recorded in the said Registration Office shall be admissible in evidence in any court of this Island without further proof of the execution thereof; and every deed, conveyance, assignment, assurance, or instrument in writing made and executed in pursuance of such power of attorney, in manner aforesaid, shall have the like effect as if such married woman had been examined apart from her husband and made such acknowledgment as is required to be made by

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a married woman passing or conveying her interest in lands in and by this Act.

55. Every deed executed before the fourth day of January, one thousand eight hundred and eighty five, by a married woman residing in Great Britain, for any of the purposes of this Act and produced and acknowledged by her as her act and deed before any of the persons mentioned in an Act of the Imperial Parliament made and passed in the third and fourth year of King William the fourth, chapter seventy four, entitled "An Act for the abolition of fines and recoveries and for the substitution of more simple modes of assurance," for taking acknowledgments by married women of deeds executed by them in Great Britain, and in all respects certified and authenticated by such person taking the acknowledgment as required by the said Imperial Act, including the filing of the certificate of acknowledgment in the manner prescribed by the said Act, shall, notwithstanding section fifty of this Act, be as effectual to convey the lands, tenements, and hereditaments therein comprised as if the married woman executing the same had been resident in this Island, and had executed and acknowledged the same before the Chief Judge or a Commissioner of Probates of this Island, provided the husband of such married woman shall have executed the deed, and his signature to the same shall have been duly authenticated; and provided that a copy of the certificate of acknowledgment by such married woman so filed, signed by the officer with whom the same shall have been filed, shall be annexed to the deed, and every such deed when recorded in the Registration Office of this Island shall be admitted in all courts and places in this Island as legal evidence without any further proof; provided always that nothing herein contained shall be deemed or taken to render ineffectual any deed executed by any married woman residing in Great Britain which, before the passing of this Act, would have been effectual.

Deeds executed before the 4th January 1885, and authenticated as in this section mentioned to be valid and effectual notwithstanding section 50 of this Act.

1891—14.

Sunday Observance Act.

1891—14.

An Act to consolidate and amend the Acts of this Island relating to Shooting at Birds on Sundays or other Solemn Days.

[17 April 1891.]

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Sunday Observance Act, 1891.

Penalty for shooting or going to shoot birds on a Sunday &c.

2. If any person shall upon a Sunday, Christmas day, Ash Wednesday, Good Friday, or any day set apart by proclamation as a day of humiliation or thanksgiving, shoot with a gun or other firearm at any bird whatsoever, or go out of his house or place of habitation for the purpose of shooting birds, or shall command, permit, or suffer his servant to shoot with any gun or other firearm at any bird, such person so offending shall for every such offence be liable to a penalty of thirty shillings, to be recovered on the complaint of any person before any Police Magistrate in the parish where the offence shall be committed, in a summary way, one moiety whereof shall be paid to the person making the complaint, and the other moiety paid to the Parochial Treasurer for the use of the said parish ; and if the person making the complaint shall decline or refuse to take his moiety, then the whole of the said penalty shall be paid to the said Parochial Treasurer.

1891—15.

An Act to consolidate and amend the Acts of this Island relating to Barristers.

[17 April 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

Short title.

1. This Act may be cited as the Barristers Act, 1891.

1891—15.

Barristers Act.

Qualification.

2. No person shall plead and practise the law in this Island as a barrister, or be entitled to any of the rights and privileges of a barrister, unless such person shall have been duly and regularly called to the bar in England, or shall have been admitted to practise as a barrister in the several courts of Dublin, or shall have been admitted to practise as an advocate in the Court of Session in Scotland. Who may practise.

Disqualification.

3. It shall not be lawful for any Judge in this Island to plead or practise in any of the courts within the same. Judges prohibited from pleading or practising in any court.

1891—16.

An Act to consolidate and amend the Acts of this Island relating to the Payment of Witnesses and Interpreters.

[11 May 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Witnesses and Interpreters (Payment) Act, 1891. Short title.

Grand Sessions.

2. When any person shall hereafter be bound over by any Police Magistrate in a recognizance or shall be subpoenaed by or at the instance of the Attorney General to attend the Court of Grand Sessions or the Court of Escheat, or to give evidence as a witness in any case before the said courts touching any case before the courts, and such person shall be in attendance at the said courts, and shall be ready and willing to give evidence, if required, he shall, whether he be actually called upon to give evidence or not, be entitled to such sums, not exceeding those mentioned in the scale of allowance to this section annexed for each day's attendance at such court, as the Chief Judge shall allow to Remuneration to witnesses.

Witnesses and Interpreters (Payment) Act.

Power to disallow remuneration. be paid to him upon production of a certificate from the Registrar or Queen's Solicitor, certifying the attendance of such witness for the purpose of giving evidence, and the amount so allowed to him ; provided always that the Chief Judge may if he think fit disallow such sum or any part thereof, and provided also that this section shall not apply to medical witnesses.

SCALE OF ALLOWANCE.

Payment to witnesses.

Scale of allowance.	Gentlemen, merchants, bankers, and professional men, (except medical men).....	5s. to 10s.
	Tradesmen, accountants, clerks, and yeomen...	2s 6d. to 5s.
	Artisans and journeymen.....	1s. to 2s 6d.
	Labourers.....	1s.
	Travelling expenses, a reasonable sum, but not more than 6d. per mile, one way.....	}

Medical witnesses.

Fee to be paid to medical witnesses at the Court of Grand Sessions. **3.** (1) Where any legally qualified medical practitioner shall hereafter be called upon to give and shall give professional evidence as a witness in any case requiring medical or surgical testimony to be given in relation thereto before any Police Magistrate, and it shall become necessary to bind over such medical practitioner in a recognizance to attend the Court of Grand Sessions and give evidence in his professional capacity touching such case, and such medical practitioner shall be in attendance at the said Court of Grand Sessions and shall be ready and willing to give evidence if required, he shall, whether he be actually called upon to give evidence or not, be entitled to a fee of two guineas for every such case, and to one guinea extra per day for attendance at such court, upon the production of a certificate from the Chief Justice certifying the attendance of such medical practitioner for the purpose of giving evidence and the amount to which he is entitled.

Limitation of amount of fees. (2) No medical practitioner shall be entitled to receive a sum exceeding six guineas per day for any one day's attendance at such court, whatever may be the number of cases tried on such day in which he may have been bound over as a witness to give medical evidence.

Fees to be paid to medical witnesses at the (3) Where any legally qualified medical practitioner shall be summoned in any case by or on behalf of the Crown for the purpose of giving, and shall attend and be ready and

Witnesses and Interpreters (Payment) Act.

willing to give, medical evidence before the Assistant Court of Appeal or any Police Magistrate of this Island in any case requiring medical or surgical testimony to be given in relation thereto, such medical practitioner whether he be actually called upon to give evidence or not shall be entitled to receive for such attendance a fee or remuneration of one guinea per day, irrespective of the number of cases for which he may on any one day be summoned to give evidence, such fee or remuneration to be paid on a certificate of the Judges of the Assistant Court of Appeal, or Police Magistrate, as the case may be, certifying the attendance of such medical practitioner for such purpose.

Assistant Court of Appeal and the Police Courts.

(4) Should any such medical witness as aforesaid be attached to the General Hospital or to any other public hospital, infirmary, or other public institution, and shall by reason of being so attached receive a fixed salary for attending the same, and shall be debarred from private practice, such medical witness shall only be entitled, irrespective of the number of cases in which on any one day he may attend to give evidence at the same court, whether at the Court of Grand Sessions, the Assistant Court of Appeal, or a Police Court, to receive the sum of ten shillings and six pence per day, if the actual residence of such medical witness is not more than two miles from the court at which he may attend; but should the actual residence of such medical witness be more than two miles from such court he shall be entitled to receive one guinea per day for his attendance upon a certificate from the Chief Justice, Judges of the Assistant Court of Appeal, or Police Magistrate, as the case may be, certifying the attendance of such medical witness for the purpose aforesaid.

Provisions respecting salaried medical officer of public institution.

Interpreters.

4. (1) Every person who may hereafter be required by the Attorney General or by a Police Magistrate or a Coroner to attend at the Court of Grand Sessions to interpret in any case, and shall attend the court for that purpose and interpret, or be ready at all times during the sessions, if called upon, to interpret, shall be entitled, whether he be called upon to interpret or not, upon production of the certificate hereinafter mentioned, to receive from the Public Treasury of this Island the sum of six shillings for each day's attendance at the Court of Grand Sessions on which he shall be so required to attend and shall attend the court.

Payment of interpreter at the Court of Grand Sessions.

(2) Every person who may hereafter be required by the Judges of the Assistant Court of Appeal, or any of the Police Magistrates or Coroners of this Island, to interpret in

Payment of interpreters at the Assistant Court

Witnesses and Interpreters (Payment) Act.

of Appeal and
Police Courts,
or the Coroners'
Courts.

any case in their courts respectively and shall interpret in the case, shall be entitled, upon production of the certificate hereinafter mentioned, to receive from the Public Treasury of this Island the sum of ten shillings for every case in which he shall interpret.

Payment to be
made according
to a certificate to
be given in each
case.

(3) In every case in which any person shall be required to attend the Court of Grand Sessions to interpret in any case, and shall attend the court and be in readiness to interpret at the said court, if called upon to do so, the Registrar shall give to such person a certificate accordingly, stating during how many days the said person attended the said court. And in every case in which any person shall be required by the Judges of the Assistant Court of Appeal to attend the Assistant Court of Appeal to interpret in any case and shall attend and interpret at the said court, the clerk of the Assistant Court of Appeal shall give to such person a certificate accordingly. And in any case in which any person shall be required by any Police Magistrate to attend to interpret in any case, and shall attend the Police Magistrate's court and interpret, the Police Magistrate shall give to such person a certificate accordingly. And in any case in which any person shall be required by any Coroner to attend his court to interpret in any case and shall attend the Coroner's court and interpret, the Coroner shall give to such person a certificate accordingly.

Payment from Treasury.

Sums payable
under Act to be
paid out of Pub-
lic Treasury.

5. All sums of money which may from time to time be required for the purposes of this Act shall be paid from the Public Treasury on the warrant of the Governor-in-Executive Committee.

An Act to consolidate and amend the Acts of this Island relating to the Court of Ordinary.

[30 May 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

Short title.

1. This Act may be cited as the Court of Ordinary Act' 1891.

Court of Ordinary Act.

Court and procedure.

2. The Court of Ordinary of this Island shall be a court of record, and shall have the same powers, and its grants and orders shall have the same effect in this Island in relation to personal estate of deceased persons in this Island, and also in relation to all matters and causes testamentary, and the effects of deceased persons which are within the jurisdiction of the Court of Ordinary of this Island, as the Probate Division of the High Court of Justice and its grants and orders respectively now have with regard to the same matters in England ; provided that no suits for legacies, or suits for the distribution of residues shall be entertained by the Court.

The Court of Ordinary to have in this Island the same powers as the Probate Division has in England.

3. The Chief Judge shall discharge the judicial functions of the Ordinary of this Island, and shall have power to hear and determine all causes, matters, and things which were are or shall be at any time depending in the Court of Ordinary, and all judgments, orders, and acts of the Chief Judge so made or done as Judge of the Court of Ordinary shall be deemed and taken to be respectively, as the nature of the case may require, judgments orders and acts of the said Court of Ordinary, and shall have force and validity and be executed accordingly.

The Chief Judge to discharge the judicial functions of the Ordinary.

4. All writs, petitions, proceedings, and process of any kind, in the Court of Ordinary shall be filed and issued and bear teste in the name of the Judge thereof for the time being.

All writs &c., to be filed, issued, and bear teste.

5. It shall be lawful for the Judge from time to time to make, amend, and alter such rules and regulations as to the practice of such Court in all causes and matters under this Act as shall appear to him to conduce to the more effectual administration of justice therein.

Rules of practice.

6. The Judge shall be and he is hereby authorized from time to time to make and amend a docket of fees to be taken and allowed in all causes and proceedings in the Court of Ordinary by the attorneys, proctors, and officers of the said Court, and to give costs in all causes to the party succeeding when it shall seem just to him to do so, save when by any Act of this Island costs are specially provided for or limited.

The Chief Judge authorized to establish a docket of fees.

7. An appeal shall lie from all judgments, decrees, or orders of the Judge in the manner provided for in the Act providing for the establishment and maintenance of a Court of Appeal for Barbados and the Windward Islands.

An appeal to lie from all judgments, &c., of the Judge.

Court of Ordinary Act.

Power to examine witnesses.

8. The Court of Ordinary may require the attendance of any party in person, or of any person whom it may think fit to examine or cause to be examined in any suit or other proceeding, in respect of matters or causes testamentary, and may examine or cause to be examined upon oath or affirmation, as the case may require, parties and witnesses by word of mouth, and may either before or after, or with or without such examination, cause them or any of them to be examined on interrogatories, or receive their or any of their affidavits or solemn affirmations, as the case may be; and the Court may by writ require such attendance, and order to be produced before itself or otherwise any deeds, evidences, or writings in the same form, or as nearly as may be, as that in which a writ of subpoena ad testificandum, or of subpoena duces tecum, is now issued by the Court of Common Pleas in this Island; and every person disobeying any such writ shall be considered as in contempt of the Court, and also be liable to forfeit a sum not exceeding one hundred pounds.

As to production of deeds, &c.

Powers of the Court to enforce orders.

9. The Court of Ordinary shall have the like powers, jurisdiction, and authority for enforcing the attendance of persons required by it as aforesaid, and for punishing persons failing, neglecting, or refusing to produce deeds, evidences, or writings, or refusing to appear or be sworn, or make affirmation or declaration, or to give evidence, or guilty of contempt, and generally for enforcing all orders, decrees, and judgments made or given by the Court under this Act, and otherwise in relation to the matters to be inquired into and done by or under the orders of the Court, as are by the law vested in the Court of Chancery of this Island for such purposes in relation to any suit or matter depending in such Court, any law of this Island to the contrary thereof notwithstanding.

Order to produce any instrument purporting to be testamentary.

10. The Court of Ordinary may, on motion or petition or otherwise, in a summary way, whether any suit or other proceeding shall or shall not be pending in the Court with respect to any probate or administration, order any person to produce and bring into Court, or into the Registration Office or otherwise, as the Court may direct, any paper or writing being or purporting to be testamentary which may be shown to be in the possession or under the control of such person; and if it be not shown that any such paper or writing is in the possession or under the control of such person, but it shall appear that there are reasonable grounds for believing that he has the knowledge of any such paper or writing, the Court may direct such person to attend for

Court of Ordinary Act.

the purpose of being examined in open Court, or upon interrogatories respecting the same, and such person shall be bound to answer such questions or interrogatories, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like process of contempt in case of default in not attending, or in not answering such questions or interrogatories, or not bringing in such paper or writing, as he would have been subject to in case he had been a party to a suit in the Court, and had made such default; and the costs of any such motion, petition, or other proceeding shall be in the discretion of the Court.

11. The Registrar shall have full power to administer oaths; and all persons whom the Judge shall under the seal of the Court from time to time appoint for that purpose shall respectively have full power to administer oaths and perform such other duties in reference to matters and causes testamentary as may be assigned to him or them from time to time by the rules and orders of the Court; and the persons so appointed shall be styled "Commissioners of the Court of Ordinary" provided that any party required to be examined, or any person called as a witness, or required or desirous to make an affidavit or deposition, under or for the purposes of this Act, shall be permitted to make his solemn affirmation or declaration, instead of being sworn in the circumstances and manner in which a person called as a witness, or desiring to make an affidavit or deposition, would be permitted to do, under the provisions and subject to the penalties of the Evidence Act 1905.

The Registrar to have power to administer oaths. Power to appoint also commissioners to administer oaths, &c.

12. All probates, letters of administration, orders, and other instruments and exemplifications, and copies thereof, respectively, sealed with the seal of the Court of Ordinary, shall on all occasions in this Island be received in evidence without further proof thereof.

Sealed probates &c., evidence.

13. If any person shall forge the signature of the Judge of the Court of Ordinary, or the Registrar, or any Commissioner of the Court of Ordinary for taking oaths, or shall forge or counterfeit any seal of the Court of Ordinary, or knowingly use or concur in using any such forged or counterfeit signature or seal, or tender in evidence any document with a false or counterfeit signature of such Judge, Registrar, or Commissioner, or with a false or counterfeit seal, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall, upon conviction thereof, be liable to penal

Penalty on forging or counterfeiting seals or signatures of officers.

Court of Ordinary Act.

servitude for the term of his life, or any term not less than seven years, or to imprisonment for any term not exceeding three years, with or without hard labour.

Mode of taking evidence in certain matters.

14. Subject to the regulations to be established by the rules and orders of the Court, the witnesses and, where necessary, the parties in all contentious matters where their attendance can be had, shall be examined orally by or before the Judge in open court; provided always that, subject to any such regulations as aforesaid, the parties shall be at liberty to verify their respective cases, in whole or in part, by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, be subject to be cross-examined by or on behalf of such opposite party orally in open court as aforesaid, and after such cross-examination may be re-examined orally in open court as aforesaid by or on behalf of the party by whom such affidavit was filed.

Court may issue commission or give orders for examination of witnesses abroad or who are unable to attend.

15. Where a witness in any such matter is out of the jurisdiction of the Court, or where by reason of his illness or otherwise the Court shall not think fit to enforce the attendance of the witness in open court, it shall be lawful for the Court to order a Commission to issue for the examination of such witness on oath upon interrogatories or otherwise, or, if the witness be within the jurisdiction of the Court, to order the examination of such witness on oath upon interrogatories or otherwise before any officer of the said Court or other person to be named in such order for the purpose; and all the powers given to the Court of Common Pleas in the like cases shall in such case belong to and be exercised by the Court of Ordinary in the same manner as by the Court of Common Pleas.

Mode of taking affidavits &c., to be used in the Court, in Great Britain and elsewhere in the dominions of the Queen.

16. Affidavits, declarations, and affirmations to be used in the Court of Ordinary, may be sworn and taken in Great Britain and Ireland, and in the Isle of Man, the Channel Islands, or any colony, island, plantation, or place out of the United Kingdom of Great Britain and Ireland under the dominion of Her Majesty, before any court, judge, notary public, or person lawfully authorized to administer oaths in such country, colony, island, plantation, or place respectively; and the Judge of the Court of Ordinary shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, or person which shall be attached, suspended, or subscribed to any such affidavit, declaration, or affirmation, or to any other document.

Court of Ordinary Act.

17. In cases where it is necessary to obtain affidavits, declarations, or affirmations to be used in the Court of Ordinary from persons residing in foreign parts out of Her Majesty's dominions, the same may be sworn, declared, or affirmed before the persons empowered to administer oaths under the Act of the 6 Geo. 4, c 87, or under the Act of the 18 & 19 Vict. c. 42: provided that in places where there are no such persons as are mentioned in the said Acts, such affidavits, declarations, or affirmations may be made declared and affirmed before any foreign local Magistrate or other person having authority to administer an oath.

Mode of taking affidavits, &c., to be used in the Court, in places out of Her Majesty's dominions.

18. The rules of evidence observed in the Court of Common Pleas of this Island shall be applicable to and observed in the trial of all questions of fact in the Court of Ordinary.

Rules of evidence in common law courts to be observed.

19. Where proceedings are taken under this Act for proving a will in solemn form, or for revoking the probate of a will, on the ground of the invalidity thereof, or where in any other contentious cause or matter under this Act the validity of a will is disputed, unless in the several cases aforesaid the will affects only personal estate, the heir-at-law, devisees, and other persons having or pretending to have an interest in the real estate affected by the will shall, subject to the provisions of this Act and to the rules and orders of the Court, be cited to see proceedings or otherwise summoned in like manner as the next of kin or others having or pretending to have an interest in the personal estate affected by a will should be cited or summoned, and may be permitted to become parties or intervene for their respective interests in such real estate, subject to such rules and orders and to the discretion of the Court.

Where a will affecting real estate is proved in solemn form, or is the subject of a contentious proceeding, the heir and persons interested in the real estate to be cited.

20. Where probate of such will is granted after such proof in solemn form, or where the validity of the will is otherwise declared by the decree or order in such contentious cause or matter as aforesaid, the probate, decree, or order respectively shall enure for the benefit of all persons interested in the real estate affected by such will, and the probate copy of such will, or the letters of administration with such will annexed, or a copy thereof, respectively, stamped with the seal of the Court of Ordinary, shall in all courts and in all suits and proceedings affecting real estate of whatever tenure (save proceedings by way of appeal from the Court of Ordinary, or for the revocation of such probate or administration), be received as conclusive evidence of the validity and contents of such will, in like

Where the will is proved in solemn form, or its validity otherwise decided on, the decree of the Court to be binding on the persons interested in the real estate.

Court of Ordinary Act.

manner as a probate is received in evidence in matters relating to the personal estate; and where probate is refused or revoked on the ground of the invalidity of the will, or the invalidity of the will is otherwise declared by decree or order under this Act, such decree or order shall enure for the benefit of the heir-at-law or other persons against whose interest in real estate such will might operate, and such will shall not be received in evidence in any suit or proceeding in relation to real estate, save in any proceeding by way of appeal from such decrees or orders.

Heir in certain cases not to be cited : and where not cited not to be affected by probate.

21. Nothing herein contained shall make it necessary to cite the heir-at-law or other persons having or pretending to have an interest in the real estate of a deceased person, unless it is shown to the satisfaction of the Court that the deceased was at the time of his decease seised of, or entitled to, or had power to appoint by will, some real estate beneficially, or in any case where the will propounded, or of which the validity is in question, would not in the opinion of the Court, though established as to personalty, affect real estate ; but in every such case, and in any other case in which the Court may, with reference to the circumstances of the property of the deceased or otherwise, think fit, the Court may proceed without citing the heir or other persons interested in real estate : provided that the probate, decree, or order of the Court shall not in any case affect the heir or any person in respect of his interest in real estate, unless such heir or person has been cited or made a party to the proceedings, or derived title under or through a person so cited or made a party.

Probate or office copy to be evidence of the will in suits concerning real estate save where the validity of the will is put in issue.

22. In any action at law or suit in equity where, according to the existing law, it would be necessary to produce and prove an original will in order to establish a devise or other testamentary disposition of or affecting real estate, it shall be lawful for the party intending to establish in proof such devise or other testamentary disposition to give to the opposite party, ten days at least before the trial or other proceeding in which the said proof shall be intended to be adduced, notice that he intends at the said trial or other proceeding to give in evidence as proof of the devise or other testamentary disposition the probate of the said will or the letters of administration with the will annexed or a copy thereof, stamped with the seal of the Court of Ordinary ; and in every such case such probate or letters of administration, or copy thereof, respectively, stamped as aforesaid, shall be sufficient evidence of such

Court of Ordinary Act.

will and of its validity and contents, notwithstanding the same may not have been proved in solemn form or otherwise have been declared valid in a contentious cause or matter, as herein provided, unless the party receiving such notice shall, within four days after such receipt, give notice that he disputes the validity of such devise or other testamentary disposition.

23. An official copy of the whole or any part of a will, or an official certificate of the grant of any letters of administration, may be obtained from the Registrar's office where the will has been proved, or the administration granted, on the payment of the usual fees. Official copy of whole or part of will may be obtained.

24. It shall be lawful for the Judge of the Court of Ordinary for the time being to sit in chambers for the despatch of such part of the business of the said Court as can, in the opinion of the said Judge, with advantage to the suitors, be heard in chambers, and the mode of proceeding, and the times at which such sittings shall be held, shall from time to time be determined by the Judge. The Judge of the said Court, when so sitting in chambers, shall have and exercise the same power and jurisdiction in respect of the business so brought before him as if sitting in open court: provided always, that no question shall be heard in chambers which either party shall require to be heard in open court. Sittings in chambers.

Grants of Administration, &c.

25. If any person die intestate, or the executors named in any testament refuse to prove the said testament, then the Court of Ordinary shall commit the administration of the goods of the testator or person deceased to the widow of the said person deceased or to the next of his kin or to both as the said Court in its discretion shall think good, taking security of him or them to whom shall be made such commission for the true administration of the goods, chattels, and debts which he or they shall be so authorized to administer; and in cases where divers persons which be equal in degree of kindred to the testator or person deceased claim the administration as next of kin to him, and where one person only desireth the administration as next of kin, although divers persons be in equality of kindred as is aforesaid, in every such case the said Court shall be at liberty to accept any one or more making request where divers do require the administration, or where but one or more of them and not all, being in equality of degree, do make Grants to widow &c., where persons die intestate or executors refuse to prove.

Court of Ordinary Act.

request then to admit the widow and him or them only making request or any one of them at its pleasure.

Bond to be entered into by administrators.

26. The Court of Ordinary shall and may, upon granting and committing administration of the goods of persons dying intestate, take of the respective person or persons to whom any administration is to be committed sufficient bonds with two or more able sureties (respect being had to the value of the estate), to Her Majesty, her heirs and successors, with the condition in form and in manner following, *mutatis mutandis*, viz:—

“The condition of this obligation is such that, if the
“above bounden A.B., administrator of all and singular the
“goods, chattels, and credits of C.D., deceased, do make or
“cause to be made a true and perfect inventory of all and
“singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands, possession,
“or knowledge of him the said A.B., or to the hands
“and possession of any other person or persons for
“him, and the same so made do exhibit or cause to be
“exhibited in the Registration Office of this Island within
“thirty days next ensuing, and the same goods, chattels, and
“credits and all other the goods, chattels, and credits of the
“said deceased at the time of his death which at any time
“after shall come to the hands or possession of the said A.B.
“or into the hands and possession of any other person or
“persons for him do well and truly administer according to
“law; and further do make or cause to be made a true and
“just account of his said administration within ten calendar months now next ensuing, and all the rest and residue
“of the said goods, chattels, and credits which shall be
“found remaining upon the said administrator’s accounts,
“shall deliver and pay unto such person or persons respectively as the Court of Chancery in this Island established
“by their decree shall limit and appoint, and if it shall
“appear that any last will and testament was made by the
“said deceased, and the executor or executors therein named
“do exhibit the same into the said Registration Office making
“request to have it allowed and proved accordingly, if the
“said A.B. above bounden being thereunto required do
“render and deliver the said letters of administration (ap-
“probation of such testament being first had and made in
“the said Registration Office), then this obligation to be void
“and of none effect, or else to remain in full force and virtue.”

Which bonds are hereby declared and enacted to be good to all intents and purposes and pleadable in any courts of justice.

Court of Ordinary Act.

27. Where a person has died or shall die wholly intestate as to his personal estate, or leaving a will affecting personal estate, but without having appointed an executor thereof willing and competent to take probate, or where the executor shall, at the time of the death of such person, be resident out of the Island, and it shall appear to the Court to be necessary or convenient in any such case, by reason of the insolvency of the estate of the deceased or other special circumstances, to appoint some person to be the administrator of the personal estate of the deceased, or of any part of such personal estate, other than the person who, if this Act had not been passed, would by law have been entitled to a grant of administration of such personal estate, it shall not be obligatory upon the Court to grant administration of the personal estate of such deceased person to the person who, if this Act had not been passed, would by law have been entitled to a grant thereof; but it shall be lawful for the Court in its discretion to appoint such person as the Court shall think fit to be such administrator, upon his giving such security (if any) as the Court shall direct; and every such administration may be limited as the Court shall think fit.

Grants under special circumstances to persons not having a general right to administration.

28. When there shall be personal estate in this Island belonging to a deceased person, and the executor of the will of the deceased shall be a non-resident or shall be absent from this Island, and the estate of the deceased shall be unrepresented in the Island for the space of six months, and whether such executor shall have taken probate of such will in this Island or elsewhere, it shall be lawful for the Court to grant administration to the next of kin, or a legatee or creditor of such deceased person, in the same manner as if there were no representative in existence of such deceased person, an exemplification of such will being first recorded in the Registration Office of this Island in case the will shall have been proved elsewhere than in this Island, and such grant of administration shall be limited until the executor shall come to reside in the Island, or shall appoint an attorney to act for him in the character of such executor, and shall apply to the Court to revoke such administration.

Grants when executor is non-resident or absent for more than six months.

29. In all cases where the Court of Ordinary hath hitherto been accustomed to grant administration cum testamento annexo it shall continue so to do; and the will of the deceased in such testament expressed shall be performed and observed in such manner as it has hitherto been.

Grants cum testamento annexo.

30. At the expiration of twelve calendar months from the death of any testator, if the executor or executors to

Grants of administration for the

Court of Ordinary Act.

purposes of a
suit in equity.

whom probate of the will shall have been granted is or are then residing out of the jurisdiction of the Court of Chancery, it shall be lawful for the Court of Ordinary upon the application of any person having any demand, next of kin, or legatee, to grant special administration to such person having such demand, next of kin, or legatee, for the sole and express purpose of his becoming or being made a party to any bill in equity to be filed against the estate of the deceased in the Court of Chancery and of carrying the decree of the same into effect, but no further or otherwise.

Until any grant
is revoked no
person to act as
executor.

31. After any grant of administration no person shall have power to sue or prosecute any suit, or otherwise act as executor of the deceased, as to the personal estate comprised in or affected by such grant of administration, until such administration shall have been recalled or revoked.

Revocation of
temp rary
grants not to pre-
judice actions or
suits.

32. Where, before the revocation of any temporary administration, any proceedings at law or in equity have been commenced by or against any administrator so appointed the court in which such proceedings are pending may order that a suggestion be made upon the record of the revocation of such administration, and of the grant of probate or administration which shall have been made consequent thereupon; and that the proceeding shall be continued in the name of the new executor or administrator in like manner as if the proceeding had been originally commenced by or against such new executor or administrator, but subject to such conditions and variations, if any, as such court may direct.

Rights of an ex-
ecutor renounc-
ing probate &c.,
to cease as if he
had not been
named in the
will.

33. Whenever any person renounces probate of the will of which he is appointed executor or one of the executors, or whenever an executor appointed by a will survives the testator, but dies without having taken probate; and whenever an executor named in a will is cited to take probate, and does not appear to such citation, the rights of such person in respect of the executorship shall wholly cease; and the representation to the testator and the administration of his effects shall and may, without any further renunciation, go, devolve, and be committed in like manner as if such person had not been appointed executor.

Act not to affect
rights of hus-
bands to admin-
istration of their
wives' estates.

34. Nothing in this Act contained shall be construed to extend to the estates of married women who die intestate, but their husbands may demand and have administration of their rights, credits, and other personal estate as they might have done before the passing of this Act.

1891—17.

Court of Ordinary Act.

Recognition of probates and letters of administration granted in the United Kingdom and in the British Dominions.

35. (1) Where a court of probate in England or Ireland, or in any of Her Majesty's possessions or colonies has granted probate or letters of administration, or a court of Scotland has granted a confirmation in respect of the estate of a deceased person, the probate or letters of administration or confirmation so granted may, on being produced to and a copy thereof deposited with the Court of Ordinary, be sealed with the seal of that Court and thereupon shall be of the like force and effect and have the same operation in this Island as a probate or letters of administration in respect of such estate granted by that Court.

Sealing of probates &c., granted in the United Kingdom and in the British Dominions.

(2) Provided that the Court may before sealing a probate or letters of administration or of confirmation under this section require such evidence as it thinks fit as to the domicile of the deceased person, and shall in the case of letters of administration be satisfied that security has been given in a sum sufficient in amount to cover the property, if any, in this Island to which the letters of administration relate.

(3) The Court may also, if it thinks fit, on the application of any creditor, require before sealing that adequate security be given for the payment of debts due from the estate to creditors residing in this Island.

(4) For the purposes of this section a duplicate of any probate or letters of administration or of confirmation sealed with the seal of the court granting the same or a copy thereof certified as correct by or under the authority of the court granting the same shall have the same effect as the original.

1891—18.

An Act to consolidate and amend the Acts of this Island relating to the City of Bridgetown, and the towns known as Speights Town and Hole Town.

[2 June 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Bridgetown, Speights Short title. Town, and Hole Town Act, 1891.

Bridgetown, Speights Town, and Hole Town Act.

PART I. BRIDGETOWN.

Limits of Bridgetown.

Limits of Bridgetown defined.

2. The limits of Bridgetown shall be the following boundaries, that is to say: from the Barrier Bridge in the direction of Bay Street, including the houses to the south-west of the said bridge as far as the Crown lands, from the said bridge in a direct line to the cross road at Enmore House, marked by four pieces of cannon, from thence down the River Road to the river in front of what was formerly the property of Samuel Ames, and from thence along the course of the river as far as the road which crosses the river between a place formerly the property of Dr. Straghan and the range of buildings called the Gulley Houses, from the said road which so crosses the river between the said former property of Dr. Straghan and the said range of buildings called the Gulley Houses in a line to the Garden House, late the property of Henry Pilgrim, and from thence along the road in front of Dunsinane, across White Park Road, along Passage Road and across Baxter's Road to the corner of the road leading to Westbury, and from thence in a straight line to the beach, opposite the north-west point of Pelican Island, and all houses that now are, or shall, or may at any time or times hereafter be erected within the aforesaid limits, save and except such houses as shall have ten or more acres of land attached thereto, shall be deemed, taken, and considered as town property, and as such be subject and liable to be assessed and taxed by the Vestry for the said parish of Saint Michael in their annual or other assessments.

Town property defined.

Building regulations.

Duties of Commissioners of Highways as regards buildings &c.

3. (1) It shall be the duty of the Commissioners of Highways for the City of Bridgetown, hereinafter referred to as the Commissioners, to carry into execution the provisions of this Act relating to regulations as to building within the said city.

Regulations for building &c., to be prepared by the Commissioners.

(2) In order to secure uniformity in all buildings which shall be hereafter erected in the City, and for the better security of the City generally against fire, the Commissioners are hereby authorized and required from time to time, and as often as may be necessary, to prepare rules and regulations for the erection of such buildings, and for building, altering, or repairing any building in future elsewhere

Bridgetown, Speights Town, and Hole Town Act.

within the limits of the City, stating in what manner, with what materials, and under what conditions and restrictions all such buildings shall be constructed and built, or altered, or repaired; and such rules or regulations shall be submitted to the Governor-in-Executive Committee for approval, and the Governor-in-Executive Committee may revoke, alter, or amend such rules, and after thirty days' publication in the Official Gazette all such rules and regulations shall have full force and authority of law and be binding on all persons whomsoever in the matters therein set forth and provided.

and approved by the Governor-in-Executive Committee.

(3) It shall be lawful for any person owning or occupying any land or buildings in the City and likely to be affected by such rules or regulations, or the constituted attorney or agent of such person, to make objections to such rules and regulations or any of them—such objections to be in writing, with the name and place of residence of the person so objecting—addressed to the Governor-in-Executive Committee and sent into the Secretary's Office within the thirty days of publication as aforesaid; and the Governor-in-Executive Committee shall appoint a time for hearing such person in support of such objections, and may alter, amend, or altogether rescind, as shall seem meet, any such rules and regulations, the objections to which shall appear reasonable.

Power to appeal against such rules to the Governor-in-Executive Committee.

(4) If any person or body corporate shall erect, alter, or repair, or shall assist in erecting, altering, or repairing any building within the limits of the City of Bridgetown in any manner or style, or with any material not permitted by the rules and regulations from time to time made by the said Commissioners, such person or body corporate may be served with a notice in writing under the hands of the said Commissioners, or any two of them, to remove the said building, or to alter or repair the same, as the case may be, in conformity with the said rules and regulations. The notice shall specify the period within which the building is to be removed, or altered, or repaired, as the case may be, and such period shall in no case be less than one month.

Commissioners to serve notice on any person building &c. in violation of regulations.

(5) If at the expiration of the period so limited the person or body corporate served with such notice shall have neglected or refused to comply fully with the requirements of such notice, the said Commissioners, or any one of them, or any person authorized in that behalf by writing under the hands of any two of them, may make a complaint accordingly before any Police Magistrate of Bridgetown, and such person or body corporate shall, on proof of the facts herein-

Penalty for failure to comply with Commissioners' notice.

Bridgetown, Speights Town, and Hole Town Act.

before mentioned, be liable to a penalty not exceeding the sum of fifty pounds, to be recovered in a summary manner and to be paid into the Public Treasury, and thereafter for each and every month that such building shall remain unremoved, or not altered or repaired, as the case may be, in compliance with the said notice, such person or body corporate shall be liable to a penalty not exceeding the monthly rentable value of such building according to the parochial assessment, which shall be sued for, recovered, and appropriated in the manner hereinbefore mentioned.

Penalty for continuing breach.

Proof of regulations.

(6) On the hearing of any complaint made under this section, a copy of the Official Gazette containing any rules and regulations shall, when tendered in evidence, be deemed sufficient proof of the due making and validity of such rules and regulations, and of the matters stated therein, and the onus of proving the contrary shall lie on the defendant.

Lumber and coal yards.

Excludes lumber and coal yards &c., from the city and confines them to the old Burnt District, except with license of the Commissioners.

4. It shall not be lawful to deposit any lumber or coals or other description of fuel for sale in that part of the City of Bridgetown destroyed by fire in the year 1860, and called the New Burnt District, except with the license of the Commissioners appointed under section three of this Act, nor shall it be lawful, except with such license as aforesaid, to establish any new lumber yards or coal or other fuel deposits in any part of the City of Bridgetown, except in that part of the town which was burnt down on the third of February one thousand eight hundred and forty five, called the Burnt District, and the seaboard lots in the New Burnt District; and where any such lumber or coals or other description of fuel shall be deposited, contrary to the provisions of this Act, it shall be the duty of the police to give information to one of the Police Magistrates of Bridgetown, who is hereby required to give notice to the owner or person in possession thereof to remove the same within such time as such Police Magistrate shall deem reasonable; and if the same be not removed at the expiration of the time mentioned in such notice, such lumber, or coals, or other description of fuel, shall be forfeited to Her Majesty, her heirs and successors, for the use of the public of this Island; and such or any other Police Magistrate of Bridgetown is hereby authorized to seize the same and cause the same to be sold, and the money arising by the sale thereof to be paid into the Public Treasury for the uses of the Island.

Bridgetown, Speights Town, and Hole Town Act.

Lighting of wharves.

5. (1) The Governor-in-Executive Committee is hereby authorized and required, whenever necessary, to enter into contract with any person for the erection and maintenance of lamps and lights, not less than ten in number, to be placed in situations on the public wharves to be approved by the Governor-in-Executive Committee—the cost to be paid monthly out of the Public Treasury on the warrant of the Governor-in-Executive Committee.

Governor-in-Executive Committee to contract for the erection and maintenance of lamps on the public wharves.

(2) If any person shall wilfully break, injure, or otherwise damage such lamps, lamp posts, or lights, he shall for every such offence be liable to a penalty not exceeding double the amount of such damage or injury; and if any person shall wilfully extinguish or put out any such lights he shall be liable to a penalty not exceeding five pounds, recoverable on the complaint of the Harbour and Shipping Master.

Penalty for injuring lamps &c.

Prevention of fire.

6. (1) Within the limits of the town at every distillery, foundry, smithery, smelting house, or bakehouse, and also in every kitchen attached to any dwelling house, already established or built or to be hereafter established or built, there shall be a proper and sufficient fireplace enclosed with brick or stone walls, and provided with a chimney of a sufficient height of brick or stone; and the floors of every such distillery, foundry, smithery, smelting house, or bakehouse shall be made of bricks, tiles, stone, or earth.

Distilleries, foundries, &c., regulations respecting.

(2) It shall be the duty of the police to ascertain the number of distilleries, foundries, smitheries, smelting houses, bakehouses, coopershops, or cooperages within the town; and it shall be lawful for the police to inspect the same, and also the chimneys of kitchens, at seasonable hours, and report the state thereof to the Police Magistrate; and in case such Magistrate shall think any alteration or addition necessary to render any such distillery, foundry, smithery, smelting house, bakehouse, coopershop, or cooperage, or chimneys of any kitchen conformable to the preceding subsection, such alteration or addition shall be made and completed by the person exercising or carrying on such distillery, foundry, smithery, smelting house, bakehouse, coopershop, or cooperage, or by the owner of such kitchen, within one month after receiving an order or notice in writing from such Magistrate for that purpose, and, in case of neglect to comply with such notice, the person receiving

Police, their duties relating thereto.

Bridgetown, Speights Town, and Hole Town Act.

the same and continuing to exercise any of the said trades therein, or the owner of such kitchen, shall incur a penalty not exceeding twenty pounds, and a further penalty of twenty five pounds for every succeeding month that any such distillery, foundry, smithery, smelting house, bakehouse, coopershop, cooperage, or kitchen shall be used after the period at which the first fine shall have been incurred, until the order of the said Magistrate shall be complied with.

Distilleries &c.,
to beswept daily. (3) Every such distillery, foundry, smithery, smelting house, bakehouse, coopershop, or cooperage shall be swept or cleaned of all shavings and combustible matter every day on leaving off work, under a penalty not exceeding fifty shillings to be paid by the person exercising or carrying on any such trade, or by the person or persons for whose benefit the same shall be carried on, in the discretion of the said Magistrate,

Penalty.

Chimneys to be
swept every two
months. (4) The chimneys of all distilleries, foundries, smitheries, smelting houses, or bakehouses, and of all kitchens belonging to any dwelling-house or building within the limits of the said town, shall be swept once in every two months under a penalty not exceeding fifty shillings for every omission; and where any chimney shall be found to be in a foul condition, the burden of proof that the said chimney was swept within the period prescribed shall rest on the party complained against.

Penalty.

Manufacture of
casks in streets.
Penalty. (5) No person shall manufacture or fire any cask in any of the streets, lanes, or alleys of the town, under a penalty not exceeding fifty shillings.

Disorderly persons.

Idle and disorderly persons
how punished. 7. (1) Every idle or disorderly person apprehended for disturbing the public peace within the town shall on conviction be liable to a penalty not exceeding five pounds.

May be examined
on oath. (2) It shall and may be lawful for the Police Magistrate, when any idle or disorderly person shall be brought before him suspected of any evil design, to inform himself touching the same by the examination upon oath of any person or persons; and for the purpose of obtaining a knowledge of the condition and circumstances of every such suspicious person, it shall and may be lawful for such Magistrate to examine every such person on oath; and every such suspicious person so examined who shall give a false account of himself shall be liable to be imprisoned for any time not exceeding one month, with or without hard labour.

*Bridgetown, Speights Town, and Hole Town Act.**Forestalling and regrating.*

8. No person shall purchase any ground-provisions, Forestalling.
grain, wood, garden-stuff, poultry, pigs or other commodity
or article of sale whatsoever which shall be coming to mar-
ket in the said town, before the same shall be brought into
the public market, with intent to sell the same again, and in
case any person shall in anywise offend herein, every such Penalty.
person shall for every such offence be liable to a penalty not
exceeding fifty shillings.

Hours for bringing provisions &c., into town.

9. It shall not be lawful for any person after the hour
of six o'clock in the evening, or before the hour of six o'clock
in the morning, to bring into the said town any sheep, goats, What articles
hogs, butchers' meat, poultry, ground-provisions, grain, not to be
wood, garden-stuff, corn meat, canes, cane-tops, guinea grass, brought to town
or other kind of grass, under pain of forfeiting the same; before six in the
and all police and parish constables are hereby authorized morning or after
and required to apprehend all persons who shall bring the six in the even-
same into the said town after or before such hours as afore- ing.
said, and to take the person so apprehended, with the articles
aforesaid so brought into town, to the police station, and de-
tain such person in custody until such time as such person
can be brought before the Police Magistrate, and such
Magistrate is hereby authorized to condemn all such articles
as forfeited, and to direct the same to be sold by the District
Auctioneer and the proceeds thereof paid to the Colonial
Treasurer, and the said Magistrate is also hereby authorized
and required to examine the persons so apprehended and
brought before him on oath, touching their situation or
calling, and the place of their residence, and either to dis-
miss such persons or deal with them according to law;
and the said Magistrate is also hereby empowered and
authorized to restore all such articles to the person in whose
possession they are found, if it is satisfactorily proved that
such person came by them honestly.

Cleaning streets.

10. (1.) The occupant of every house, store, or shop Streets to be
within the limits of the said town, shall, by or before the swept every
hour of eight o'clock in the morning of every day, sweep, morning.
or cause to be swept, the way, passage, and drain, ways,
passages, and drains, in the street or lane, or streets or lanes
in front, or at the back, or by the side of, his house, for the

Bridgetown, Speights Town, and Hole Town Act.

Penalty. whole length and depth of his house and the yard thereof, and from the extremity of the lands of his house to the middle of the street or lane, streets or lanes, under a penalty of two shillings and sixpence for every offence, besides the expenses attending the removal of any dirt, filth, or rubbish which may have been suffered to accumulate there, which shall be effected under the authority of the police; and no goods, wares, or merchandize, or other articles whatsoever shall be exposed for sale, or otherwise, before the doors or front of any house, shop, or store, in any of the streets, lanes, or public places, under the like penalty for every offence; provided always that in all cases where it is proved to the satisfaction of the Magistrate that the doors of persons given in for not having been swept before eight o'clock were clean and did not require sweeping, a penalty shall not be imposed.

Penalty for placing filth in the streets. (2.) Any person who shall throw or place any filth or rubbish in any street or lane, or before the house or building of any other person, shall incur a penalty not exceeding twelve shillings and sixpence for every such offence, besides the expense of removing it.

Night soil, when not to be carried through the streets. (3.) No person shall carry through any of the streets, lanes, alleys, passages, or wharves within the limits of the said town, any tubs or vessels with any night soil, before the hour of nine o'clock in the evening or after six o'clock in the morning under a penalty not exceeding ten shillings; and it shall not be lawful to throw any such night

Not to be thrown above the bridges or banks of the river. soil above either of the bridges or banks of the river, under a penalty of twelve shillings and sixpence.

Straying of hogs or sheep.

Hogs, sheep, and goats, penalty for suffering same to go at large. 11. All hogs, sheep, or goats which may be found going at large or straying in any of the streets, lanes, squares, or churchyards of the said town, shall be taken up by the police constables and impounded at the police station or any place appointed for that purpose; and the owner of every hog, goat, or sheep so impounded shall pay the sum of one shilling for the taking up of every such hog, goat, or sheep, and the like sum for impounding every such hog, goat, or sheep, and the sum of three pence per day for feeding the same; and in case such hog, goat or sheep be not claimed and redeemed by or on behalf of the owner thereof within one week, it shall be sold at the pound by public auction for ready money, and after deducting all expenses for taking up and impounding and feeding the same, the remainder of the

Bridgetown, Speights Town, and Hole Town Act.

proceeds, if claimed by the owner of any such hog, goat, or sheep at the time of such sale, shall be paid over to him, but if unclaimed at such time the same shall be paid over to the Colonial Treasurer; and in case any hog, goat, or sheep being found in any of the streets, lanes, squares, or alleys of the said town, and being pursued shall escape into and take refuge in any house, place, yard, or other premises within the limits of the said town, or within one mile thereof, the person in the possession or occupation of any such house, place, yard, or other premises shall immediately on application for that purpose by any police or parish constable, quietly give up the possession thereof, or suffer such police or parish constable to enter and seize the same, under a penalty not exceeding twenty five shillings; provided nevertheless, that if the hog, goat, or sheep shall be the property of the party in possession of such premises, such party shall be allowed to retain the same upon paying the sum of one shilling to the police officer; and it shall not be lawful for any person to graze any horse, mare, gelding, ass, mule, cow, sheep, goat or pig in any of the streets, lanes, squares, or alleys of the said town under a penalty of three shillings.

Dogs.

12. (1) Dogs shall not be permitted to infest the streets of the said town, and every person who shall permit or suffer any dog belonging to him to be or go at large in any street, square, or lane within the limits of the said town, shall incur a penalty not exceeding ten shillings for every such offence, and every dog found going at large in any street, lane, way, or public place in the said town before five o'clock in the morning, or after eight o'clock at night, shall and may be killed by any police constable. And every police constable is hereby directed and required to kill and destroy all dogs that shall at any time be found in the market place.

Dogs, penalty. for permitting same to infest the streets.

Police constables to kill the same.

(2) No dog shall be allowed to be in any street, square, or lane within the limits of the said city, either by itself, with its owner or any other persons, without being safely muzzled, under a penalty not exceeding ten shillings to be paid by the owner or proprietor of such dog: and no dog shall be allowed to infest the market place under a penalty not exceeding twenty five shillings, to be paid by the owner or person permitting such dog to follow him therein. And where any question shall arise as to the ownership of any dog, the party complained against may be examined as a witness for the purpose of ascertaining the owner.

Dog at large to be muzzled.

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Driving horses.

Horse &c., not to be broken in the streets.
Furious driving &c.

Penalty.

Left side of the street to be kept.

13. (1) No horse, mule, or beast shall be broken in any public place within the said town, nor shall any horse, mule, or beast be ridden or driven furiously or excessively in any street, lane, way, or other place within the limits of the said town, and in case any person shall offend in the premises, every such person shall for every such offence incur a penalty not exceeding five pounds.

(2) All persons riding or driving through the streets of the said town are directed to keep to the left side of the street or way on meeting with any other person riding or driving; and any person who shall cause any damage to any other person by a breach of this regulation shall be liable to make good the same to the party damnified, on complaint before the Police Magistrate by such party: provided that such Magistrate shall not be authorized to give judgment in favour of the complainant in any such case for any sum exceeding twenty five pounds.

Discharging firearms.

Guns &c., not to be discharged in town.

Penalty.

14. It shall not be lawful for any person to fire off or discharge any gun, pistol, or other firearm, except on any lawful or necessary occasion, in any streets, squares, lanes, or places within the limits of the city, or on the upper reef near Ricketts Battery, or the place adjacent called the Spit, and every person offending against this section shall incur a penalty not exceeding twenty five shillings.

Flying kites and hanging out clothes.

Kites not to be flown nor clothes to be hung out in town.

Penalty.

15. It shall not be lawful for any person whatsoever to fly a kite of any description within the limits of the said town, and in case any person shall be found flying a kite, or about so to do, within the limits of the said town, every such person shall and may be apprehended by any police constable and shall be liable to a penalty not exceeding ten shillings, and the police constables are authorised and required to destroy all such kites; nor shall it be lawful to expose any clothes on hedges, palings, or other public places within the limits of the town, under a penalty of ten shillings.

Mobs.

Mobs to be dispersed by the police.

16. Every police or parish constable is hereby required to disperse all mobs in the streets, squares, or other places in the said town; and if any person being in such mob shall

Bridgetown, Speights Town, and Hole Town Act.

refuse to disperse on being required so to do, or shall use any threatening or insulting language to any police or parish constable when required to disperse, it shall be lawful for every such police or parish constable to apprehend every such person and bring him before the Police Magistrate, who is hereby required to impose a penalty not exceeding five pounds on every such offender.

Improper conduct.

17. (1) All persons guilty of indecent exposure of their persons in the said town, or bathing in the carenage, gul- Indecent expo-
sure, &c.
lies, streams, or ponds within the limits of the said town or within one mile of such limits, and all persons blackguard- Blackguarding
&c.
ing, swearing, quarrelling, and making a disturbance or annoying noise in any of the streets or public places or ways in the said town, may be apprehended by a police or parish constable and taken before the Police Magistrate, who is hereby empowered in his discretion to impose a penalty on Penalty.
every such person not exceeding twenty five shillings.

(2) No dancing shall be permitted to take place in any of the streets, lanes, alleys, yards, or other open places within the limits of the said city, under a penalty not exceeding fifty shillings, to be paid by the person or persons promoting or superintending the same; and every police or parish constable is hereby required to disperse all such assemblages. Dancing not al-
lowed in the
streets &c.

(3) And with the view of checking the riotous and indecorous behaviour nightly occurring until a very late hour in houses where dances are held for the express purpose of making money, and where persons of the worst description promiscuously assemble together to the great nuisance and annoyance of the peaceable inhabitants of the said city, all such dancing-houses shall be closed by eleven of the clock at night, and all persons therein shall disperse at such hour under a penalty not exceeding five pounds, to be paid by the owner, proprietor, or occupant of such house. Provided always, that this section shall not be construed to extend to dances conducted in houses peaceably and quietly where money for entering is not paid and received on the night of such dance. Dancing houses
where money is
received to be
shut at 11
o'clock.

Abatement of nuisances.

18. Any nuisance of whatsoever nature which may be prejudicial to the health, cleanliness, and comfort of the said city, or of any of its inhabitants, may and shall be deemed a Nuisances, when
Magistrates may
afford redress.

Bridgetown, Speights Town, and Hole Town Act.

just cause for complaint before the Police Magistrate, who is hereby required to afford relief or redress to any householder making complaint of the same; and in case of contumacy on the part of the offender, he shall on further complaint be subject to a penalty of not less than five shillings and not exceeding fifty shillings.

Records.

Inquisitions &c., deposited in the Registrar's Office and copies thereof to be evidence.

19. All inquisitions, verdicts, and judgments which shall have been taken or given under the Act of the 8th of August 1845 entitled "An Act for the improvement of the city of Bridgetown in this Island, and for vesting certain lands, buildings, and hereditaments in the said city in Her Majesty: and for paying and securing to the owners of such lands, buildings, and hereditaments the value thereof, and for other purposes," and which shall have been deposited with the Registrar of the Island, to be kept and preserved by him amongst the records of this Island, shall be deemed to be records to all intents and purposes whatsoever, and the same or copies thereof certified by him shall be allowed to be good and conclusive evidence in all courts and proceedings whatsoever: and all persons shall have liberty to inspect the same, paying for every such inspection the sum of one shilling, and to take or make copies thereof or extracts therefrom, paying for every copy or extract made by the said Registrar, with his certificate thereon, after the rate of sixpence for every ninety words.

PART II.

SPEIGHTS TOWN

Limits of Town.

Limits of.

20. (1) The limits of the town called Speights Town shall be the following boundaries, that is to say:—from the south side of Scantlebury's river north-eastwardly in a direct line to the Farm Hill two hundred feet to the south of the east end of the road leading from Diamond Rock to the Parsonage, then northwardly under the hill and by the road under the Parsonage to the east of Headley's house, then northward and a little westward to under the hill at Dover Castle and above the house and premises of C. A. Jordan called Oban, which will be one hundred and seventy five feet in the rear of the road leading to Dover Castle and to the north of the said road; it will then turn north-

Bridgetown, Speights Town, and Hole Town Act.

westwardly in a direct line to the north side of Princess Helena's bridge.

(2) All houses that now are, or which shall or may at any time hereafter be, erected within the aforesaid limits, shall be deemed, taken, and considered as town property, and as such be subject and liable to be assessed and taxed by the Vestry for the parish of Saint Peter for all rates of the said parish in the same manner as the inhabitants and houses have hitherto been rated by the said Vestry.

What houses to be considered town property.

Building regulations.

21. (1) No house, storehouse, kitchen, stable, or building whatsoever shall be erected in the principal streets, alleys, and lanes within the limits of Speights Town, otherwise than with such materials and in such manner as hereinafter mentioned, and any person who shall presume to build contrary to the regulations contained in this section shall be warned by the sergeant of police on duty in the said town to remove or alter the same to agree with the said regulations, and on refusing so to do shall incur a fine of twenty pounds, and such building shall be deemed a common nuisance, and the builder or owner thereof shall, within such time as shall be appointed by order of the Police Magistrate, remove the same, and in default thereof such house or building shall be taken down by order of the said Police Magistrate, and the materials thereof sold by public auction by any police or parish constable and after payment of the expenses attending the taking down of such house or building, and the fines and fees of the complaint in case such fine and fees shall remain unpaid, the balance shall be paid to the owner of such house or building. Provided always that nothing in this section contained shall extend to hinder the repairing of any house already constructed.

Rules as to building &c., of houses &c.

(2) The outside of all buildings to be erected in the principal streets, alleys, and lanes of the town shall be made of brick or stone, or bricks and stones together, or brick or stone nogged, except balconies and the frames of doors and windows; and any sergeant of police who shall connive at or suffer any house or building to be erected in the said town, contrary to the preceding rules, without giving information thereof to the said Police Magistrate, shall forfeit the sum of twenty pounds for every building so erected.

Outside of buildings to be of brick or stone.

Penalty on sergeant of police for connivance.

(3) The Vestry of the parish of Saint Peter, or the majority of them, shall immediately on the passing of this Act ascertain and declare by notice to be published in the

Vestry of St. Peter to determine principal streets &c.

Bridgetown, Speights Town, and Hole Town Act.

Official Gazette, and in such other manner as the said Vestry may determine, which are the principal streets, alleys, and lanes in Speights Town, and the streets, alleys, and lanes so declared by the said Vestry to be the principal streets, alleys and lanes, shall be the principal streets, alleys, and lanes of the said town within the meaning of this section.

To regulate distances between wooden houses

(4) The said Vestry shall regulate at what distances from each other wooden houses or buildings may be erected in the parts of the said town other than the principal streets, alleys, and lanes thereof.

Extending certain provisions of this Act to Speights Town.

Sections 6 to 18 (both included) apply to Speights Town.

22. Section six to eighteen (both included) of this Act shall apply to Speights Town as if the said town were therein mentioned.

PART III.

HOLE TOWN.

Limits of town.

Limits of Hole Town defined.

23. (1) The limits of Hole Town shall be the following boundaries, that is to say : from the south side of the fort called James Fort, now the police station of the town, then passing northwardly bounding all the way on the west side of the public road to the north side of the churchyard wall of the parish church of Saint James, then passing westward to the sea and bounding all the way westwardly on the sea to an opposite direction and parallel with the south side of the said fort called James Fort, now the police station of the town.

Houses within such limits to be town property.

(2) All houses which now are, and which shall hereafter be erected within the aforesaid limits, shall be deemed taken and considered as town property, and as such be subject and liable to be assessed and taxed by the Vestry of the said parish of Saint James for all legal uses and purposes, in like manner as the inhabitants and houses have heretofore been rated by the said Vestry.

Extending certain provisions of this Act to Hole Town.

Sections 6 to 18 (both included) apply to Hole Town.

24. Sections six to eighteen (both included) of this Act shall apply to Hole Town as if the said town were therein mentioned.

1891—18.

Bridgetown, Speights Town, and Hole Town Act.

PART IV.

MISCELLANEOUS.

Offences and penalties.

25. If any person shall use obscene or indecent language or shall expose himself indecently or be guilty of making a disturbance on board of any ship, boat, or vessel in Carlisle Bay, Speights Town bay, or any other port or bay in this Island, he may be apprehended by a police or parish constable and taken before a Police Magistrate, and shall be liable to a penalty not exceeding twenty five shillings.

Penalty for indecent language, exposure &c.

26. (1) Where not otherwise expressly provided for, all offences and penalties may be prosecuted and recovered in a summary manner before a Police Magistrate on the complaint of any person. In all cases in which persons may under this Act be apprehended without warrant, such person may, if not apprehended, be brought before a Police Magistrate by warrant or summons, and the Police Magistrate shall have in such case the same power and jurisdiction as if such person had been apprehended and brought before him.

Offenders how dealt with.

(2) All penalties when recovered shall be paid into the Public Treasury for public uses.

Penalties to be paid into Treasury.

27. The Treasurer of the Island shall continue to keep under separate heads in his books all sums of money paid into his office for any lots of the lands and premises which have been sold or demised by the Commissioners under the Acts relating to the Burnt District; and the Treasurer shall pay out of and charge against the fund all sums of money drawn for under the authority of the Burnt District Acts.

Treasurer to keep account of moneys received under Burnt District Acts.

1891—19.

An act to consolidate and amend certain Acts of this Island relating to the Remedies of Judgment Creditors.

[5 June 1891.]

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Judgment Creditors Remedies Act.

Short title.

Short title,

1. This Act may be cited as the Judgment Creditors Remedies Act, 1891.

Order for attachment.

Examination of judgment debtor as to debts due to him.

2. It shall be lawful for any creditor having a judgment in the Court of Common Pleas, in the Assistant Court of Appeal, or in any of the Petty Debt Courts, to apply to the court in which such judgment has been obtained, or a judge thereof, for a rule or order that the judgment debtor be orally examined as to any and what debts are owing to him before the Registrar or chief clerk of the court or such other person as the court or Judge shall appoint; and the court or Judge may make such rule or order for the examination of such judgment debtor and for the production of any books or documents, and the examination shall be conducted in the same manner as in the case of oral examination of witnesses ordered under the Evidence Act, 1905.

Court or Judge may order an attachment of debts.

3. It shall be lawful for such court or Judge upon the ex parte application of such judgment creditor, either before or after such oral examination, and upon affidavit by himself or his attorney stating that judgment has been recovered, and that it is still unsatisfied, and to what amount, and that any other person is indebted to the judgment debtor and is within the jurisdiction, to order that all debts owing or accruing from such third person (hereinafter called "the garnishee") to the judgment debtor shall be attached to answer the judgment debt, and by the same or any subsequent order it may be ordered that the garnishee shall appear before the court or Judge or the Registrar or chief clerk of the court, as such court or Judge shall appoint, to show cause why he should not pay the judgment creditor the debt due from him to the judgment debtor or so much thereof as may be sufficient to satisfy the judgment debt.

Service of order for attachment to bind debts.

4. Service of an order that debts due or accruing to the judgment debtor shall be attached, or notice thereof to the garnishee in such manner as the court or Judge shall direct, shall bind such debts in his hands.

Proceedings against garnishee.

Proceedings to levy amount due from garnishee to judgment debtor.

5. If the garnishee does not forthwith pay into court the amount due from him to the judgment debtor, or an amount equal to the judgment debt, and does not dispute the debt due or claimed to be due from him to the judgment

Judgment Creditors Remedies Act.

debtor, or if he does not appear upon summons, then the Court or Judge may order execution to issue, and it may be sued forth accordingly, without any previous writ or process, to levy the amount due from such garnishee, towards satisfaction of the judgment debt.

6. If the garnishee disputes his liability, the Court or Judge instead of making an order that execution shall issue may order that the judgment creditor shall be at liberty to proceed against the garnishee by writ calling upon him to show cause why there should not be execution against him for the alleged debt or for the amount due to the judgment debtor, if less than the judgment debt, and for costs of suit, and the proceedings upon such writ shall be the same, as nearly as may be, as upon a writ of revivor issuing from the Court of Common Pleas.

Court or Judge may allow judgment creditor to sue garnishee.

7. Payment made by or execution levied upon the garnishee under any such proceeding as aforesaid shall be a valid discharge to him as against the judgment debtor to the amount paid or levied, although such proceeding may be set aside or the judgment reversed.

Discharge of garnishee.

8. Whenever in proceedings to obtain an attachment of debts under this Act it is suggested by the garnishee that the debt sought to be attached belongs to some third person who has a lien or charge upon it, the Court or Judge may order such third person to appear before it or him and state the nature and particulars of his claim upon such debt.

Proceedings where third person has a lien on the debt.

9. After hearing the allegations of the third person under such order and of any other person whom by the same or any subsequent order the Court or Judge may think fit to call before it or him, or in case of such third person not appearing before it or him upon such summons, the Court or Judge may order execution to issue to levy the amount due from such garnishee, or the judgment creditor to proceed against the garnishee according to section six of this Act, and may bar the claim of such third person or make such other order as it or he shall think fit, upon such terms in all cases with respect to the lien or charge (if any) of such third person, and to costs, as it or he shall think just and reasonable.

Judge may bar claim of third party or make other fitting order.

Special cases.

10. In proceedings to obtain an attachment of debts under this Act, the Court or Judge may in its or his discretion refuse to interfere where from the smallness of the amount to

Court or Judge may refuse to interfere in certain cases.

Judgment Creditors Remedies Act.

Wages of servants, &c., not to be attached.

be recovered, or of the debt sought to be attached or otherwise, the remedy sought would be worthless or vexatious: and in no case shall an order for the attachment of the wages of any servant, labourer, or workman be made by any court or Judge.

Money in hands of or coming to Master in Chancery, Official Assignee, and Provost Marshal belonging to a judgment debtor deemed a debt and such officers to be garnishees.

11. In the special cases of moneys being in the hands of or coming to the Master in Chancery, Official Assignee, and Provost Marshal of this Island belonging or payable to any judgment debtor such moneys shall for the purposes of this Act be deemed to be a debt within the meaning of section three, and in those special cases the above-named officers shall for the purposes of this Act be deemed to be garnishees within the meaning of the same section.

Records and practice.

Debt attachment books to be kept at the several courts.

12. In the Court of Common Pleas there shall be kept at the Registration Office, and in the Assistant Court of Appeal, and each of the Petty Debt Courts, there shall be kept a debt attachment book, and in such book entries shall be made of the attachment and proceedings thereon with names, dates, and statements of the amount recovered and other circumstances connected therewith; and the mode of keeping such books shall be the same in all courts; and copies of any entries made therein may be taken by any person, upon application to the Registrar or chief clerk of the court to which such book belongs.

Costs of application.

13. The costs of any application for an attachment of debt under this Act, and of any proceedings arising from or incidental to such application shall be in the discretion of the Court or Judge.

Rules of practice for the Court of Common Pleas to be made by the Chief Justice.

14. The Chief Justice shall when and so often as is necessary make or amend rules and orders for the purpose of regulating the practice and procedure of the Court of Common Pleas under this Act, and of giving effect to provisions of this Act in cases brought before the said Court.

Rules of practice for the Assistant Court of Appeal and the Petty Debt Courts to be made as here-in provided.

15. Rules and orders for the purpose of regulating the practice of the Assistant Court of Appeal and of the Petty Debt Courts respectively under this Act, and of giving effect to its provisions in cases brought before the said Assistant Court of Appeal and Petty Debt Courts respectively shall, when and so often as required, be respectively framed or amended in the same manner and by the same persons in which and by whom respectively rules and orders are made for regulating the practice of those Courts respectively.

1891—19.

Judgment Creditors Remedies Act.

Miscellaneous.

16. All decrees and orders of the Court of Chancery, and all rules of the Court of Common Pleas, and all orders of the Court of Chancery or Vice Chancellor in matters of lunacy, whereby any sum of money or any costs, charges, or expenses shall be payable to any person, shall have the effect of judgments of the Court of Common Pleas, and the persons to whom any such moneys or costs, charges, or expenses shall be payable shall be deemed judgment creditors within the meaning of this Act, and all powers hereby given to the Court of Common Pleas and the Judge thereof with respect to matters depending in the said Court shall and may be exercised by the Court of Chancery with respect to matters therein depending, and by the Court of Chancery or Vice Chancellor in matters of lunacy, and all remedies hereby given to judgment creditors are in like manner given to persons to whom any moneys or costs, charges or expenses are by such orders or rules respectively directed to be paid.

Decrees and orders for payment of money shall have effect of Common Pleas judgments, and persons to whom money payable deemed judgment creditors.

1891—20.

An Act to consolidate and amend the laws of this Island relating to the Court of Grand Sessions and the administration of justice in Criminal Cases in this Island.

[5 June 1891]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Grand Sessions and Criminal Law (Procedure) Act, 1891.

Short title.

Interpretation.

2. (1) In this Act unless there is something in the subject or context inconsistent with such construction the word "indictment" shall be understood to include "information," "inquisition," and "presentment," as well as indictment, and also any "plea," "replication," or other pleadings; and the terms "finding of the indictment," shall be understood

Interpretation of terms.

Criminal Law (Procedure) Act.

to include "the taking of an inquisition," "the exhibiting of an information," and "the making a presentment"; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

Court of Grand Sessions.

When the Courts of Grand Sessions are to be held.

3. (1) The Courts of Grand Sessions of Oyer and Terminer and General Gaol Delivery and General Sessions of the Peace shall, as at present constituted, consist of and be holden by and before the Chief Judge three times at least in each year, that is, upon the second Monday in the month of December, the first Monday, or such other day in the month of April as hereinafter mentioned, and the first Monday, or such other day as hereinafter mentioned, in the month of August; and at each period of its being so held the said Court of Grand Sessions of Oyer and Terminer and General Gaol Delivery and General Sessions of the Peace shall continue its sittings by adjournment from day to day, except Sunday, until the business thereof be disposed of. And the proceedings at the said Court shall be had as heretofore, according to the laws and statutes of England, and according to the statutes of this Island: Provided always that it shall be lawful for the Governor by and with the advice of the Executive Committee at any time or times he may think proper to issue a commission of oyer and terminer and general gaol delivery under the great seal of this Island for the trial of any person or persons accused of heinous crimes and misdemeanours committed or done in this Island, and the same proceedings shall take place in respect to the summoning of jurors and all other matters as at the said Courts of Grand Sessions.

Provision for a special commission.

Alters under certain circumstances the day for commencing the April and August Courts of Grand Sessions.

(2) When the first Monday in April in any year shall be the commencement of Passion Week, or shall fall on Easter Monday, or when the first Monday in August in any year shall be a bank holiday, in either of such cases, instead of the sitting of the said Court of Grand Sessions of Oyer and Terminer and General Gaol Delivery and General Sessions of the Peace commencing on the first Monday of the said month of April or August, as the case may be, the same shall commence on Easter Tuesday or the Tuesday following such bank holiday, as the case may be, and shall continue its sittings by adjournment from day to day, except Sunday, until the business thereof be disposed of.

Criminal Law (Procedure) Act.

Examination of witnesses before grand jury.

4. (1) It shall be lawful for the foreman of every grand jury empanelled in this Island, and he is hereby authorized and required, to administer an oath to all persons whomsoever who shall appear before such grand jury to give evidence in support of any bill of indictment; and all such persons attending before any grand jury to give evidence may be sworn and examined upon oath by such grand jury touching the matter in question; and every person taking any oath or affirmation in support of any bill of indictment who shall wilfully swear or affirm falsely, shall be deemed guilty of perjury; and the name of every witness examined, or intended to be examined, shall be endorsed on such bill of indictment; and the foreman of such grand jury shall write his initials against the name of each witness so sworn and examined touching such bill of indictment.

Witnesses examined before grand juries to be sworn in the presence of the jurors.

(2) It shall not be necessary for any person to take an oath in open court in order to qualify such person to give evidence before any grand jury.

Not necessary for witnesses to be sworn in open court.

(3) The word "foreman" shall include any member of such grand jury who may for the time being act on behalf of such foreman in the examination of witnesses in support of any bill of indictment; and the word "oath" shall include affirmation where by law such affirmation is required or allowed to be taken in lieu of an oath.

Interpretation.

Form of indictment.

5. (1) It shall not be necessary to state any venue in the body of any indictment; provided that in cases where local description is or hereafter shall be required, such local description shall be given in the body of the indictment.

Not necessary to state venue in body of indictment.

(2) No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statute," instead of "against the form of the statutes" or vice versâ, nor for that any person mentioned in the indictment is designated by a name of office or other descriptive appellation instead of his proper name, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for

Certain defects not to vitiate indictments.

Criminal Law (Procedure) Act.

stating the offence to have been committed on a day subsequent to the finding of the indictment or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, nor for want of a proper or formal conclusion, nor for want of or imperfection in the addition of any defendant, nor for want of the statement of the value or price of any matter or thing or the amount of damage, injury, or spoil in any case where the value or price, or the amount of damage, injury, or spoil is not of the essence of the offence.

In cases of joint property it is sufficient to state the property to belong to one of the parties by name, and another or others, &c.

(3) In any indictment for any felony or misdemeanour, wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others as the case may be; and whenever in any indictment for any felony or misdemeanour it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint stock companies and trustees.

Property belonging to the public or any parish may be laid in the inhabitants of the Island, or in churchwardens &c.

(4) In any indictment for any felony or misdemeanour committed in, upon, or with respect to any bridge, gaol, house of correction, infirmary, asylum, school, workhouse or poorhouse, or other building erected or maintained in whole or in part at the expense of the inhabitants of this Island, or of any parish or parishes within the same, or on or with respect to any goods or chattels whatsoever provided for the use of any such building or of any person in, belonging to, or attached to the same, or at the expense of the inhabitants of this Island, or of any parish or parishes within the same, to be used for making, altering, or repairing any bridge, or any highway, at the ends thereof, or any such building as aforesaid, or to be used in or with any such building, it shall be sufficient to state any such property, real or personal, to belong to the inhabitants of this Island, or of any parish or parishes within the same, or to the guardians of the poor or churchwardens for the time being; and it shall not be necessary to specify the names of any of such inhabitants, or of all or any such guardians or churchwardens; and in any indictment for any felony or misdemeanour committed on or with respect to any materials, tools, or imple-

Criminal Law (Procedure) Act.

ments provided for making, altering, or repairing any streets or highways in any town or parish within this Island, it shall be sufficient to aver that any such things are the property of the commissioners of the streets or highways for the time being of such town or parish, and it shall not be necessary to specify the name or names of any such commissioners.

(5) In any indictment for stealing, embezzling, destroying, or concealing, or for obtaining by false pretences any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known or by the purport thereof, without setting out any copy or facsimile thereof, or otherwise describing the same or the value thereof.

Forms of indictments in cases of stealing any instrument.

(6) In all other cases, wherever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or description by which the same may be usually known, or by the purport thereof, without setting out any copy or facsimile of the whole or any part thereof.

In other cases.

(7) In every indictment in which it shall be necessary to make any averment as to any money or any note of the Bank of England, or any other bank, it shall be sufficient to describe such money or bank-note simply as money, without specifying any particular coin or bank-note: and such allegation so far as regards the description of the property shall be sustained by proof of any amount of coin or of any bank-note, although the particular species of coin of which such amount was composed or the particular nature of the bank-note shall not be proved, and in cases of embezzlement and obtaining money or bank-notes by false pretences, by proof that the offender embezzled or obtained any piece of coin or any bank-note, or any portion of the value thereof, although such piece of coin or bank-note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to any other person, and such part shall have been returned accordingly.

Coin and bank-notes may be described as money.

(8) In every indictment for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court or before

As to indictments for perjury and other like offences.

Criminal Law (Procedure) Act

whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing was taken, made, signed, or subscribed without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or in equity, and without setting forth the commission or authority of the court or person before whom such offence was committed.

As to indictments for subornation of perjury and other like offences.

(9) In every indictment for subornation of perjury or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign, or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient wherever such perjury or other offence aforesaid shall have been actually committed to allege the offence of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned, and then to allege that the defendant unlawfully, wilfully, and corruptly did cause and procure the said person the said offence in manner and form aforesaid to do and commit, and whenever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

Objections to form of indictment, when to be taken.

Court may amend formal defects when objected to before jury is sworn.

6. Every objection to any indictment for any formal defect apparent on the face thereof shall be taken by demurrer, or motion to quash such indictment, before the jury shall be sworn, and not afterwards; and every court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the indictment to be forthwith amended in such particular by some officer of the court or other person, and thereupon the trial shall proceed as if no such defect had appeared.

Amendment of indictment.

When any variance may appear between the indictment and any matter in

7. (1) It shall and may be lawful for any court of Oyer and Terminer and General Gaol Delivery, if such court shall see fit so to do, to cause the indictment for any offence whatever, when any variance or variances shall appear between

Criminal Law (Procedure) Act.

any matter in writing or in print produced in evidence and the recital or setting forth thereof in the indictment whereon the trial is pending, to be forthwith amended in such particular or particulars by some officer of the court, and after such amendment the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance or variances had appeared.

writing or print put in evidence, the court may order the same to be amended.

(2) Whenever on the trial of any indictment for any felony or misdemeanour there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof, in the name of any place mentioned or described in any such indictment or in the name or description of any person or persons, or body politic or corporate, therein stated or alleged to be the owner or owners of any property, real or personal, which shall form the subject of any offence charged therein, or in the name or description of any person or persons, body politic or corporate, therein stated or alleged to be injured or damaged, or intended to be injured or damaged, by the commission of such offence, or in the christian name or surname, or both christian name and surname, or other description whatsoever, of any person or persons whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, or in the ownership of any property named or described therein, it shall and may be lawful for the court, before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended according to the proof by some officer of the court or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury, as such court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects and with the same consequences both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had occurred; and in all such cases the order for the amendment shall be endorsed on the indictment; provided that in all such cases where the trial shall be so postponed as aforesaid, it shall be lawful for such court to respite the recognizances of the prosecutor and witnesses and of the defendant and his surety or sureties, if any, accordingly, in which case the

The court may amend certain variances not material to the merits of the case, and by which the defendant cannot be prejudiced in his defence; and may proceed with the trial before the same or another jury.

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prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the defendant shall be bound to attend to be tried at the time and place to which such trial shall be postponed without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizances to appear and prosecute, or give evidence at the time and place to which such trial shall have been so postponed; provided also, that where any such trial shall be to be had before another jury, the Crown and the defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first jury was sworn.

Indictment &c.,
not to abate by
plea of misnomer &c.

(3) No indictment shall be abated by reason of any dilatory plea of misnomer, or want of addition, or of wrong addition of the party offering such plea, if the court shall be satisfied by affidavit or otherwise of the truth of such plea, but in such case the court shall forthwith cause the indictment to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

Pleading to an indictment.

The plea of "not guilty," sufficient to put any person on his trial.

8. (1) If any person being arraigned upon any indictment for any treason, felony, or piracy shall plead thereto a plea of "not guilty," he shall by such plea, without any further form, be deemed to have put himself upon the country for trial; and the court shall in the usual manner order a jury for the trial of such person accordingly.

Where a party refuses to plead, the court may order a plea of "not guilty" to be entered.

(2) If any person being arraigned upon or charged with any indictment, for any treason, felony, or piracy, or misdemeanour shall stand mute, or will not answer directly to such indictment, in every such case it shall be lawful for the court, if it shall so think fit, to order the proper officer to enter a plea of "not guilty" on behalf of such person; and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

Plea of attainder a bar, if offence be substantially the same.

(3) No plea setting forth any attainder shall be pleaded in bar of any indictment, unless the offence stated in the plea be substantially the same offence as that charged in the indictment.

Benefit of clergy.

(4) Benefit of clergy with respect to persons convicted of felony shall continue abolished; but nothing herein contained shall prevent the joinder in any indictment of any counts which might have been joined before the

Criminal Law^m(Procedure) Act.

sixth day of September one thousand eight hundred and thirty four.

(5) In any plea of autrefois convict or autrefois acquit it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the indictment.

Plea of autrefois convict or acquit.

Addresses of counsel.

9. Upon every trial for treason or felony or misdemeanour, whether the prisoners or defendants or any of them shall be defended by counsel or not, each and every such prisoner or defendant, or his or their counsel respectively, may, before addressing the jury, at his discretion, elect to examine such witnesses as he or they may think fit, and when all the evidence is concluded to address the jury, and the right of reply and practice and course of proceedings, save as hereby altered, shall be as at present.

Power to prisoner or his counsel to examine witnesses before addressing the jury.

Verdict.

10. (1) If upon the trial of any indictment for any felony, except murder or manslaughter, where the indictment shall allege that the defendant did wound any person, the jury shall be satisfied that the defendant is guilty of the wounding charged in such indictment, but are not satisfied that the defendant is guilty of the felony charged in such indictment, then and in every such case the jury may acquit the defendant of such felony and find him guilty of unlawfully wounding, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for the misdemeanour of unlawfully wounding.

Persons tried for felony involving wounding may be acquitted of the felony but convicted of wounding.

(2) Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

Verdicts and judgments valid after amendments.

(3) If on the trial of any person charged with any felony or misdemeanour it shall appear to the jury upon the evidence that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanour charged, but is guilty of an

Persons indicted for a felony or misdemeanour may be found guilty of an attempt to commit.

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attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanour charged in the same indictment; and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanour for which he was so tried.

Persons tried for a misdemeanour not to be acquitted if the offence turn out to be a felony.

(4) If upon the trial of any person for any misdemeanour it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanour; and no person tried for such misdemeanour shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before which such trial may be had shall think fit in its discretion to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanour.

No judgment after verdict for any felony or misdemeanour shall be stayed by reason of any of the matters herein contained.

11. (1) No judgment after verdict upon any indictment for any felony or misdemeanour shall be stayed or reversed for want of a similiter; nor by reason that the jury process has been awarded to a wrong officer, or upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors; nor because any person has served upon the jury who has not been duly returned to serve as a juror; and where the offence charged has been created by any statute or subjected to a greater degree of punishment, the indictment shall after verdict be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence in the words of the statute.

What felonies only shall be capital.

(2) No person convicted of felony shall suffer death, unless it be for some felony which was excluded from the benefit of clergy before the seventh day of September one thousand eight hundred and thirty four, or which had been or shall be made punishable with death by some statute passed after that date.

Felonies not capital punishable under Acts, if any, relating thereto; if none, under this Act.

(3) Every person convicted of any felony not punishable with death shall be punished in the manner prescribed by the statute or statutes specially relating to such felony, and every person convicted of any felony, for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and

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shall be liable, at the discretion of the court, to penal servitude for any term not exceeding four years or less than three years, or to be imprisoned for any term not exceeding two years.

(4) Where any person shall be convicted of any offence punishable under the last preceding subsection of this Act, for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment or of such imprisonment with hard labour, as to the court in its discretion shall seem meet.

The court may order hard labour or solitary confinement together with imprisonment.

(5) Wherever sentence shall be passed for any felony on a person already imprisoned under sentence for another crime, it shall be lawful for the court to award imprisonment for the subsequent offence to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence, either of imprisonment or of penal servitude, the court if empowered to pass sentence of penal servitude may award such sentence for the subsequent offence to commence at the expiration of the imprisonment or penal servitude to which such person shall have been previously sentenced, although the aggregate term of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded.

If a person under sentence for another crime be convicted of felony, the court may pass a second sentence to commence after the expiration of the first.

(6) Whenever any person shall be convicted of any one of the offences following as an indictable misdemeanour that is to say, any cheat or fraud punishable at common law; any conspiracy to cheat or defraud or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice; any escape or rescue from lawful custody on a criminal charge; any public and indecent exposure of the person; any public selling or exposing for public sale or to public view of any obscene book, print, picture, or other indecent exhibition; wilful and corrupt perjury, or of subornation of perjury; it shall be lawful for the court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment.

Hard labour may be added for certain misdemeanours.

Indictment for subsequent felony.

12. (1) If any person shall be convicted of any felony not punishable with death, committed after a previous

Punishment for a subsequent felony.

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Form of indictment for the subsequent felony.	conviction for felony, such person shall, on such subsequent conviction, be liable, at the discretion of the court, to penal servitude for life, or for any term not less than three years, or to be imprisoned with or without hard labour for any term not exceeding two years ; and in an indictment for any such felony, committed after a previous conviction for felony, it shall be sufficient after charging the subsequent offence to state that the offender was, at a certain time and place, convicted of felony, without otherwise describing the previous felony, and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony, purporting to be signed by the clerk of the court, or other officer having the custody of the records of the court where the offender was first convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction of such offender without proof of the signature or official character of the person appearing to have signed the same ; and if any such clerk, officer, or deputy shall utter a false certificate of any indictment and conviction for a previous felony, or if any person, other than such clerk, officer, or deputy, shall sign any such certificate as such clerk, officer, or deputy, or shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and being lawfully convicted thereof shall be liable to penal servitude for any term not exceeding four years or less than three years, or to be imprisoned with or without hard labour for any term not exceeding two years.
What shall be sufficient proof of the conviction.	
Uttering false certificate of conviction.	
Punishment &c.	

(2) The rules contained in the Act to consolidate and amend the laws of this Island relating to larceny and similar offences, dated the seventeenth of February one thousand eight hundred and sixty eight, in relation to the proceedings upon an indictment for any offence punishable under that Act committed after previous conviction, shall, with the necessary variations, apply to any indictment under this section.

No forfeiture of lands, or enquiry as to lands.

Forfeiture &c.,
for felony &c.,
abolished.

13. (1) From and after the passing of this Act, no confession, verdict, inquest, conviction, or judgment of or for any treason, or felony, or *felo de se* shall cause any attainder or corruption of blood, or any forfeiture or escheat, provided that nothing in this section shall affect the law of forfeiture consequent upon outlawry.

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(2) Where any person shall be arraigned upon any indictment for treason or felony, the jury empanelled to try such person shall not be charged to enquire concerning the lands, tenements, or goods of such person, nor whether he fled for such treason or felony.

Vice-Admiralty jurisdiction.

14. All offences committed within the jurisdiction of, and duly prosecuted in, any Court of Vice-Admiralty Sessions lawfully held within this Island, shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offences had been committed upon the land. Offences committed within jurisdiction of Court of Vice-Admiralty punished as if committed on land.

Free pardon: its effect.

15. Where either a free or conditional pardon is lawfully granted to any offender convicted of any felony punishable with death or otherwise, the discharge of such offender out of custody in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the same effect within this Island as a pardon under the great seal of England has in England for such offender as to the felony for which such pardon shall be so granted: provided always, that no free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of any such pardon. Effect of a free pardon to a convict. Proviso.

Records and certificates.

16. (1) If it shall become necessary at any time for any purpose whatsoever to draw up a formal record in any case where any amendment shall have been made under the provisions of this Act, such record shall be drawn up in the form in which the indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made. Records how to be drawn up.

(2) A certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any felony or misdemeanour, purporting to be signed by the clerk of the court, or other officer having the custody of the records of the court where such indictment Certificates of trials.

Criminal Law (Procedure) Act.

was tried, or by the deputy of such clerk or other officer, shall upon the trial of any indictment for perjury or subornation of perjury be sufficient evidence of the trial of such indictment for felony or misdemeanour, without proof of the signature or official character of the person appearing to have signed the same.

Accessories and abettors.

Accessories before the fact may be tried and punished as principals.

17. (1) Whosoever shall become an accessory before the fact to any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, may be indicted, tried, convicted, and punished in all respects as if he were a principal felon.

Accessories before the fact may be indicted as such, or as substantive felons.

(2) Whosoever shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, shall be guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

Accessories after the fact may be indicted as such, or as substantive felons.

(3) Whosoever shall become an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, may be indicted and convicted, either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

Punishment of accessories after the fact.

(4) Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same be a felony at common law or by virtue of any Act passed or to be passed, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and it shall be lawful for the court, if it shall think fit, to require the offender

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to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to such punishment: provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

(5) If any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die, or be pardoned, or otherwise delivered before attainder, and every such accessory shall upon conviction suffer the same punishment as he would have suffered if the principal had been attainted.

Prosecution of accessory after principal has been convicted but not attainted.

(6) Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

Several accessories may be included in the same indictment although principal felon not included.

(7) Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanour, whether the same be a misdemeanour at common law or by virtue of any Act passed or to be passed, shall be liable to be tried, indicted, and punished as a principal offender.

Abettors in misdemeanours.

(8) Where any person shall, within the jurisdiction of the Admiralty of England, become an accessory to any felony cognizable by the courts of this Island, whether the same be a felony at common law or by virtue of any Act passed or to be passed, and whether such felony shall be committed within that jurisdiction or elsewhere, or shall be begun within that jurisdiction and completed elsewhere, or shall be begun elsewhere and completed within that jurisdiction, the offence of such person shall be felony, and in any indictment for any such offence the venue in the margin shall be the same as if the offence had been committed in this Island, and his offence shall be averred to have been committed "on the high seas": provided that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces.

As to offences committed within the jurisdiction of the Admiralty.

Bail.

18. Whenever any application shall be made to the Chief Justice of this Island for the release of a prisoner on bail, such application may be entertained and disposed

Chief Justice may release on bail.

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of, and any order the Chief Justice may deem proper to make upon the same be given, either in open court or in chambers, and either during the sittings of the court or at any other time.

Evidence of person too ill to attend.

Depositions of persons who are seriously ill and not able to travel may, under certain conditions, be read as evidence.

19. If upon the trial of any person charged with an indictable offence it shall be proved on oath by any credible witness that any person whose deposition shall have been taken before any Police Magistrate is so ill as not to be able to travel, and if it also be proved that such deposition was taken in the presence of the person so accused and that he or his counsel or attorney had a full opportunity of cross-examining the witness, then if such deposition purport to be signed by the Police Magistrate, by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence on the trial without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the Police Magistrate purporting to sign the same.

Production of witnesses who are in prison.

Governor or Chief Justice may issue warrant for examination of a prisoner confined in gaol.

20. It shall be lawful for the Governor, or for the Chief Justice, in any case where he may see fit to do so, upon application by affidavit, to issue a warrant or order under his hand for bringing up any prisoner or person confined in any gaol, prison, or place, under any sentence, or under commitment for trial, or otherwise, before any Court, Judge, Police Magistrate, or other judicature, to be examined as a witness in any cause or matter, civil or criminal, depending or to be enquired of or determined in or before such Court, Judge, Police Magistrate, or other judicature; and the person required by any such warrant or order to be so brought before such Court, Judge, Police Magistrate or other judicature shall be so brought under the same care and custody, and be dealt with in like manner in all respects as a prisoner, required by any writ of habeas corpus awarded by the Chief Justice of the Common Pleas to be brought before such court to be examined as a witness in any cause or matter depending before such court, is now by law required to be dealt with.

Prisoner to be brought up shall be in custody, and to be dealt with as a prisoner under writ of habeas corpus.

Indictment found against a person in prison.

Where a bill of indictment is found against a

21. Where a bill of indictment shall be found against any person, and such person shall be already in prison under

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any warrant of commitment or under sentence for some other offence than that for which the bill of indictment is found, it shall be lawful for the court before which such bill of indictment is returned by an order in writing to direct the keeper of the prison in which such person may be confined to bring up the body of such person, in order that he may be arraigned upon the indictment so found against him without any writ of habeas corpus, and the keeper shall thereupon obey such order.

person already in custody for some other offence court may order such person to be produced.

Trial on indictment only, and not on Coroner's inquisition.

22. No person shall hereafter be put upon his trial by reason of the finding of any Coroner's inquisition, but in every case in which a person shall hereafter be committed upon any such inquisition, a bill of indictment shall be laid against such person in the same manner as if no such inquisition had been found.

No person to be tried on Coroner's inquisition.

Conditional release of first offenders.

23. (1) In any case in which a person is convicted of larceny or false pretences, or any other offence punishable with not more than two years' imprisonment before any court, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted, that, regard being had to the youth, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court may direct, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

Power to court to release on probation of good conduct instead of sentencing to punishment.

(2) If a court having power to deal with the offender in respect of his original offence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

Provision in case of offender failing to observe conditions of his recognizances.

(3) An offender when apprehended on any such warrant shall, if not brought forthwith before the court having power to sentence him, be brought before a court of summary jurisdiction and that court may either remand him by warrant until the time at which he was required

Criminal Law (Procedure) Act.

by his recognizance to appear for judgment, or until the sitting of a court having power to deal with his original offence, or may admit him to bail, with a sufficient surety, conditioned on his appearing for judgment.

(4) The warrant of remand shall order that he be brought before the court before which he was bound to appear for judgment, or to answer as to his conduct since his release.

Condition as to
abode of the of-
fender.

(5) The court, before directing the release of an offender under this section, shall be satisfied that the offender or his surety has a fixed place of abode, or regular occupation.

(6) In this section the term "court" includes a court of summary jurisdiction.

No fees payable on discharge of prisoner.

No fee exigible
on discharge.

24. No person indicted or tried at any Court of Grand Sessions in this Island shall be required to pay any fee upon his discharge from court or from prison, should he be imprisoned by order of the said Court.

An Act to consolidate and amend the Acts of this Island relating to Master and Servant.

[24 June 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

Short title.

1. This Act may be cited as the Master and Servant Act, 1891

General provisions.

Certain con-
tracts when
binding, and how
long.

2. No contract of service for the performance of any work as a husbandry or other servant engaged in the cultivation or care of land, or the protection of buildings, or in the manufacture of any of the staple commodities of this Island, or as a domestic servant shall be of any force or effect within this Island unless the same shall be made within the limits of the said Island; nor shall any such con-

Master and Servant Act.

tract of service be in force within this Island for more than one calendar month from the date thereof, unless the same shall be reduced into writing with all the formalities herein-after mentioned; provided always, nevertheless, that where any such contract shall be entered into for one month, and at the expiration thereof any such servant as last aforesaid shall, with the consent of his employer, either expressed or implied, continue in such service either after the first month, or after any subsequent month, every such continuance shall be deemed and taken in any such case to be a renewal of the contract of service for one month.

3 No written contract for the performance of any such service as aforesaid shall be in force within this Island, unless it shall be signed with the name, or in case of illiterate persons, with the mark, of each of the contracting parties, in the presence of a Police Magistrate or Justice of the Peace, nor unless such Police Magistrate or Justice of the Peace shall subscribe the written contract in attestation of the fact that it was entered into by the parties voluntarily and with a clear understanding of its meaning and effect; and no such written contract for service shall be valid for more than one year from its date, and shall expire at the close of the stipulated time of service without any notice on either side for that purpose: and every such written contract shall specify, as accurately as may be, the general nature of the employment in which such servant is to be engaged, and where the contract is for work to be performed, not by the piece, but by the time, it shall specify the numbers of hours of daily labour and the hours of the day at which such labour is to commence and be suspended, and to recommence and terminate, and the number of days in the week that such service is to be performed; and in cases in which the remuneration, or any part of it, is to be made, not in money but in kind, the contract must specify with all practicable precision the nature and amount and quality of the articles to be supplied to the servant, and the time when and the places at which such articles are to be delivered, and all contracts of service to extend beyond one calendar month at a time shall be drawn up as nearly as possible in the following terms:—

“Be it remembered that on this day of
 “in the year of our Lord 18 A.B. and C.D. appeared
 “before me E. F., a Police Magistrate (or Justice of the
 “Peace) of the Island of Barbados, and in my presence
 “signed their names or marks (as the case may be) to the
 “following contract of service. The said A.B. agrees to

Master and Servant Act.

“ hire the services of the said C.D., and the said C.D. agrees
 “ to render the said A.B. his services in the capacity
 “ of a for calendar months, commencing on
 “ the day of instant and terminating on
 “ the day of in the year . And it
 “ is further agreed between the said parties that the said
 “ C.D. shall be employed (in field labour, or as the case may
 “ be), and that the hours of labour for the said C.D. shall not
 “ be more than daily, commencing at the hour
 “ of and terminating at the hour of with
 “ (one hour as the case may be) for breakfast at of
 “ the clock, and (one hour as the case may be) for dinner
 “ at of the clock daily. And it is further agreed
 “ that the said A.B. shall pay to the said C.D. as such ser-
 “ vant as aforesaid wages at and after the rate of
 “ by the day, week, month, or year (as the case may be) and
 “ that such wages shall be paid on the day
 “ of of each (week or month as the case may be) and
 “ it is further agreed that the services of the said C.D. shall
 “ be partly or wholly (as the case may be) remunerated by
 “ the delivery of the various articles and allowances specified
 “ in the list hereunto subjoined which shall be of such
 “ amounts and qualities as are specified in the said list, so
 “ far as such specification is possible. (Here add any special
 “ engagement compatible with the law and not adverted to
 “ in this form.)

Signed { A.B.
 C.D.

“ The preceding agreement was signed by the above-named
 “ parties in my presence on the day and year above written
 “ voluntarily, the same being, as far as I am able to judge,
 “ fully understood by them respectively.”

Signed E. F.
 Police Magistrate,
 or Justice of the Peace.

Penalty for neg-
 lect of duty by
 servant.

4. (1) On complaint preferred and proof made before any Police Magistrate of the district where any service has been agreed to be performed, that any servant has neglected to perform his stipulated work, or that he has performed it negligently or improperly, or that by negligence or improper conduct he has injured the property of his master entrusted to his care, such Police Magistrate may in his discretion adjudge such servant to any one or more of the following penalties, that is to say, to the payment of any sum of money for the benefit of the master not exceeding one month's wages or, in the cases mentioned in

Master and Servant Act.

subsection two, to the commitment of the servant to prison with or without hard labour for any term not exceeding fourteen days, or in any case to the dissolution of the contract of service.

(2) The penalty of imprisonment, with or without hard labour, provided under the preceding subsection shall not be imposed on any agricultural labourer, but such penalty of imprisonment, with or without hard labour, shall apply to any domestic servant employed from month to month for wilfully injuring by negligence or improper conduct the property of his master entrusted to his care, or for insolence, misbehaviour, or insubordination in such his employment.

Imprisonment not to apply to agricultural labourer.

5. (1) On complaint preferred and proof made by any servant before any Police Magistrate that his master or employer has not paid his wages or delivered to him the articles stipulated for, or that the articles so delivered were not of the prescribed quality or quantity, or that by the negligence or other improper conduct of the master or employer, or his manager or agent, the contract of service has not been faithfully performed, or that such master, or his manager or agent has injured the person or property of such servant, such Police Magistrate may make an order for the payment of the wages in arrear, or for the delivery of the stipulated articles, or for both to an amount not exceeding the sum of ten pounds with damages not exceeding a month's wages, for any injury that such servant may have sustained by the non-fulfilment of such contract on the part of the master or employer of such servant; and in case such servant shall have been injured in his person or property by any master, employer, or agent, such Police Magistrate may in his discretion adjudge such master, employer, manager, or agent to the payment of any sum of money for the benefit of such servant, not exceeding the sum of five pounds, and the said Police Magistrate may also in his discretion discharge such servant from his contract of service; provided always that nothing herein contained shall prevent or be construed to prevent any proceedings in any of the courts of justice in this Island for any injury to the person or property of any such master committed by any servant, or any injury done or committed by any master, employer, manager, or agent to the person or property of any servant, if the Police Magistrate before whom any complaint shall be made shall decline to entertain the same, and shall see fit to refer the same to the ordinary course of law.

Penalty on employer for breach of duty.

(2) If any question shall arise between any master or employer and any servant respecting the meaning of

Construction of contract by arbitration.

Master and Servant Act.

their contract, or the rights of either party under the same, or the obligation imposed on either party thereby, it shall be lawful for the Police Magistrate of the parish on the application of either party to arbitrate between them, and make such award as appears to him to be just and equitable, and agreeable to the true and equitable construction of any such contract.

Enticing away
&c., servants,
how punishable.

6. If any person shall entice away, hire, or knowingly employ any servant who shall be engaged in any such contract of service as aforesaid, or if any such person shall after notice given to him of the relation in which any such servant stands to such other person employ any servant, every such person so offending shall, on conviction before any Police Magistrate of the district, either where such contract of service had been entered into, or where any offence shall have been committed, be liable to a penalty for every offence of a sum not exceeding ten pounds, for the use of the party aggrieved.

Wages of domestic servants, and agricultural labourers to have priority against personal estate of the deceased up to 5*l*.

7. In the administration of the estates of deceased persons, the wages due to any domestic servants or agricultural labourers from such deceased persons shall be paid out of the personal estate of such deceased persons, prior and preferably to all judgments, specialties, or other debts whatsoever due from such deceased persons, not exceeding however the sum of five pounds to any one domestic servant or agricultural labourer.

Falsely personating a master, &c., or giving a forged or counterfeited character.

8. If any person shall falsely personate any master, or the executor, administrator, wife, relation, housekeeper, steward, agent or servant of any such master, or shall either personally or in writing give any false, forged, or counterfeited character to any person offering himself to be hired as a servant into the service of any person, then and in such case every such person so offending shall be liable to a penalty not exceeding twenty pounds.

Giving a false certificate as to service.

9. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatsoever, other than that for which or in which he shall have hired or retained such servant in his service or employment, or for the service of any other person, then and in either of the said cases such person so offending as aforesaid shall be liable to a penalty not exceeding twenty pounds.

Giving false statement as to a servant's discharge.

10. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant was discharged

Master and Servant Act.

ed, or left his service at any other time than that at which he was discharged, or actually left such service, or that any such servant has not been hired or employed in any previous service, contrary to truth, then and in either of the said cases such person shall be liable to a penalty not exceeding twenty pounds.

11. If any person shall offer himself as a servant, asserting or pretending that he has served in any service in which such servant shall not actually have served, or with a false, forged, or counterfeited certificate of his character, or shall in any wise add to, alter, efface, or erase, or cause to be added to, altered, effaced, or erased any word, date, matter, or thing contained in or referred to in any certificate given to him by his last or former actual master, or by any other person duly authorized by such master to give the same, then and in either of the said cases such person shall be liable to a penalty not exceeding twenty pounds.

12. If any person having before been in service shall when offering to hire himself as a servant in any service whatsoever falsely and wilfully pretend not to have been hired or retained in any previous service as a servant, then and in such case such person shall be liable to a penalty not exceeding twenty pounds.

13. If any master or any other person who shall be qualified or authorized to act in his behalf shall, when thereunto requested by any person desirous of employing any servant, refuse or decline to inform such person of the period and nature of service of any servant who may have lived with him, and of the character and conduct of such servant during such period and in such capacity, without just and good cause to be by him stated at the time of such application, it shall be lawful for such servant to summon such person so refusing as aforesaid before a Police Magistrate for the district in which the master or other person so refusing to give such certificate may reside, then and there to show cause why such information should not have been given, and if such master or other person acting in his behalf as aforesaid shall fail to satisfy the Police Magistrate before whom he may have been cited that there was good reason why such information should not be given, it shall be lawful for such Police Magistrate to order the same to be forthwith given, and if such master or other person as aforesaid shall disobey the order of the Police Magistrate in this respect he shall be liable to a penalty not exceeding twenty pounds.

charge or as to his previous employment.

Offering himself as a servant under false pretences or with a false character.

Offering himself as a servant under false pretences as to previous service.

Master &c., refusing except for good reason to be shown to give a servant a character.

Master and Servant Act.

Giving a false or counterfeit character of another person for the purpose of obtaining employment generally.

14. If any person shall, either personally or in writing, give any false, forged, or counterfeited character, or make or give any false representation or assurance concerning or relating to the character, conduct, credit, or ability of any other person, to the intent or purpose that such other person may obtain any situation either in the public service or in the service of any parochial or corporate body, or of any private person, or any license to be granted under the provisions of any Act of this Island, then and in such case every such person so offending shall be liable to a penalty not exceeding twenty pounds.

Indemnification to offenders discovering accomplices.

15. If any servant who shall have been guilty of any of the offences aforesaid shall before any information has been given or lodged against him for such offence discover and inform against any person concerned with him in any offence against the seven last preceding sections of this Act, so as such offender be convicted of such offence in manner aforesaid, every such servant so discovering and informing shall thereupon be discharged and indemnified of from and against all penalties and punishments to which at the time of such information given he might be liable by this Act for or by reason of such his own offence or offences.

Recovery of penalties.

16. Where not otherwise provided for, all offences and penalties under this Act may be prosecuted and recovered in a summary manner before a Police Magistrate, and all penalties when recovered shall be paid one half to the complainant and the residue into the Treasury for public uses.

An Act to consolidate and amend the Acts of the Island relating to the Colonial Treasurer.

[24 June 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short title.

Short title.

1. This Act may be cited as the Colonial Treasurer's Act, 1891.

Department.

Salaries.

2. (1) The Colonial Treasurer's department shall con-

Colonial Treasurer's Act.

sist of the following officers at the respective salaries affixed thereto :—

A Colonial Treasurer	at £ 600 per annum	
A Chief Clerk	at £ 250	"
A Second Clerk	at £ 150	"
A Third Clerk	at £ 120	"
A Fourth Clerk	at £ 80	"
A Messenger	at £ 20	"

The foregoing salaries shall be paid monthly, or bi-monthly as may be authorized by the Governor-in-Executive Committee, from the Public Treasury on the warrant of the Governor-in-Executive Committee.

(2) The Colonial Treasurer shall be annually nominated by the General Assembly of this Island and approved of by the Governor-in-Executive Committee, and shall execute a bond in accordance with the provisions of the Public Officers (Security) Act 1910 in the sum of eight thousand pounds for the faithful performance of the duties of the office of Treasurer, and faithfully accounting for all his transactions therein, and for all moneys paid into the Treasury, whenever thereunto legally required. Appointment of Treasurer and bond.

(3) The officers of the Colonial Treasurer's department shall, from time to time, be appointed by the Governor, and shall enter into bond in such sum as the Governor shall, appoint for the faithful discharge of their duties and due accounting for all moneys, and they shall not be engaged or concerned in trade or other business, or in the exercise of any other occupation, calling, or profession, or hold any other office or appointment, or be interested in any contract, bargain, or engagement for the public service. Appointment of clerks.

(4) The Governor-in-Executive Committee may, from time to time, appoint the hours of attendance of several officers of the Colonial Treasurer's department; and may also, from time to time, make regulations in relation to the performance of the duties of the office. Rules and regulations.

(5) No officer of the Colonial Treasurer's department shall be liable to serve on any jury or inquest, or on any appraisalment of property. Exemption from service on jury.

(6) The Colonial Treasurer's department shall be provided with an office free of charge in the public buildings. Office.

(6) All fees to which the Treasurer may be entitled shall be received and shall be to the public uses, and counted for accordingly. Fees for public use.

Colonial Treasurer's Act.

Stationery &c.
paid for
from Treasury.

(8) The cost of all books and stationery required by, and all incidental expenses of, the Colonial Treasurer's office shall be borne by the Public Treasury.

Disposal of moneys.

Deposit of
excess over
£8,500.

3. (1.) The Treasurer is hereby authorised and required to deposit, in the name of the Treasurer, in such manner and at such rates of interest as the Governor-in-Executive Committee with the approval and consent of the Assembly shall authorise, the whole of the public moneys which at the time of making such deposit shall be in his hands, or for which he shall be accountable as Treasurer as aforesaid, over and above the sum of eight thousand five hundred pounds, for the benefit and advantage of the public of Barbados.

Withdrawal of
public balances
in hands of
Treasurer.

(2.) It shall be lawful for the Governor-in-Executive Committee from time to time to issue instructions to the Treasurer as to the withdrawal of the public balances in his hands, over and above the sum of eight thousand five hundred pounds, and it shall be lawful for the Treasurer by the direction of the Governor-in-Executive Committee to draw out any sum or sums of money which he may have deposited under the authority of this Act, and also, if so instructed by the Governor-in-Executive Committee, to retain in his hands for the uses of the Island any sum over and above the said sum of eight thousand five hundred pounds.

Public moneys to vest in successor.

Public moneys
shall vest in
successor on
death, resigna-
tion, or removal.

4. Upon the death, resignation, or removal of any Treasurer, all moneys so deposited and also the balance of cash in the books of any bank to his credit as such Treasurer, and all public moneys in the office of the said Treasurer, shall, upon the appointment of his successor, unless otherwise provided by law, vest in and be transferred to the account of such successor, and shall not in the case of death of any such individual constitute assets of the deceased, or be in any manner subject to the control of his personal representative, and in case any loss shall happen by reason of the depositing of the public moneys pursuant to the directions hereinbefore contained the Treasurer and his sureties shall not be liable to make good the same, but such loss shall be borne by the public; provided always that nothing herein contained shall exonerate, or be construed to exonerate, such Treasurer and his sureties from any responsibility they shall or may incur by the acts or defaults of the said Treasurer.

1891—22.

Colonial Treasurer's Act.

To prepare monthly statements to be forwarded to the House of Assembly.

5. The Treasurer shall and he is hereby required, within the first seven days of every month, to make out and prepare a true and just statement of all sums of money received and paid by him during the preceding month, and on what account, showing the balance then remaining in his hands for or on account of the said public, and such monthly statement or statements shall be delivered by the Treasurer to the Clerk of the House of Assembly before the fifteenth day of each month and laid before the House of Assembly.

Treasurer to prepare monthly statement.

Salaries.

6. The fixed claims on the Government of this Island in respect of salaries, services, and allowances shall be paid monthly or bi-monthly as may be authorized by the Governor-in-Executive Committee.

Salaries may be paid monthly or bi-monthly.

7. Public officers receiving fees to the public use shall account for the same according to law at the end of every month, and until such accounting shall be had, such public officers shall not be paid their monthly claims.

Monthly account of fees by all public officers.

8. For the purposes of the Pension Act 1907, the service of each officer of the Colonial Treasurer's department in that department prior to the passing of this Act shall be reckoned in arriving at the amount of any pension any such officer may be entitled to.

Staff of department brought within Pension Act 1907

1891—23.

An Act to consolidate and amend the Acts of this Island relating to Unclaimed and Undistributed Moneys.

[7 July 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Unclaimed and Undistributed Moneys Act, 1891.

Short title.

*Unclaimed and Undistributed Moneys Act.***2.** In this Act,

Interpretation.

“Treasury” means the Public Treasury of this Island :

“Officer” means the Official Assignee, Provost Marshal, Master in Chancery, or any other public officer not already required by statute to pay into the Treasury at stated periods all moneys in his hands or under his control :

“unclaimed moneys” means any moneys which now or may hereafter remain unclaimed for one year after the same became claimable by or payable to any person or persons :

“undistributed moneys” means any moneys which now or may hereafter remain unallotted or undistributed for one year after the same became allottable or distributable :

“Judge” when used with reference to applications or proceedings to be made and taken with regard to any unclaimed moneys, or any undistributed moneys paid into the Treasury (save and except such unclaimed moneys or such undistributed moneys as may be paid into the Treasury by the Master in Chancery), means the Chief Judge of the Court of Common Pleas sitting in chambers or in open court as he shall think fit ; and when used with reference to any applications or proceedings to be made and taken with regard to any unclaimed moneys or any undistributed moneys paid into the Treasury by the Master in Chancery means the Vice-Chancellor of the Court of Chancery sitting in chambers or in open court as he shall think fit, before whom all such last-mentioned applications and proceedings shall be made and taken only :

“Treasurer” means the Treasurer of this Island :

“Attorney General” means the person for the time being discharging the duties of Attorney General of this Island.

Officers to pay moneys into Treasury and furnish Treasurer with a statement.

3. When an officer shall have in his hands or under his control any unclaimed moneys or any undistributed moneys, he shall pay the same into the Treasury to the credit of an account to be opened in the books of the Treasurer in the name or style of office of the officer paying in such moneys with the words “unclaimed or undistributed moneys” added and following such name or style of office. The officer paying in such moneys shall at the time of doing so furnish the Treasurer with a statement signed by such officer showing the name of the person or style of account in which the moneys paid in stand in the books of his office, and the amount paid in, and where known the name of the person entitled thereto and whether the same will be likely to be claimed or not or

Unclaimed and Undistributed Moneys Act.

distributed or not within a period of one year from the time of paying in the same, and containing such remarks thereon as such officer shall deem necessary and proper to make for ascertaining the person entitled thereto and for facilitating the payment thereof when claimed. The Treasurer shall furnish the officer paying in such moneys with a certificate of receipt in duplicate of such moneys, and such officer shall deliver such duplicate certificates to the Auditor General, who shall endorse on each of them an acknowledgment of his having received such duplicate certificates so delivered to him, and shall retain one of such certificates when so endorsed and deliver the other to such officer who shall retain the same, which shall be an effectual discharge to such officer for such moneys so paid in.

Treasurer to furnish officers with receipt in duplicate.

4. The Governor-in-Executive Committee may at any time require the Auditor General to enquire into, examine, or audit the accounts of any officer with a view of ascertaining if there are any unclaimed moneys or any undistributed moneys in his hands or under his control which should have been paid into the Treasury, and the Auditor General upon being so required shall enquire into, examine, or audit such accounts and report thereon in writing to the Governor-in-Executive Committee.

Governor-in-Executive Committee may require Auditor General to audit &c.

5. The Treasurer shall deposit in the Colonial Bank at current account to the credit of a separate account having the title "Colonial Treasurer, Unclaimed and Undistributed Moneys," all sums of unclaimed moneys and undistributed moneys paid in by an officer, and whenever the sums so deposited at current account, and not likely to be claimed or distributed for at least one year, shall amount to the sum of one hundred pounds or upwards, such sums shall be deposited by him at interest in the Colonial Bank, and the moneys so deposited at interest in the Colonial Bank may be withdrawn from the Colonial Bank by the Treasurer subject to the approval of the Executive Committee.

Treasurer to deposit moneys in Colonial Bank to a separate account.

6. All interest on sums deposited at interest under the last preceding section of this Act shall, when received by the Colonial Treasurer, be retained by him for the benefit of the general revenue.

Interest for benefit of general revenue.

7. Any person entitled to any unclaimed moneys or any undistributed moneys paid into the Treasury by any officer pursuant to this Act may apply to the Governor-in-Executive Committee for payment to him of the same, and the Governor-in-Executive Committee, if satisfied that the person

Person entitled to money may apply to the Governor-in-Executive Committee for payment of same.

Unclaimed and Undistributed Moneys Act.

claiming the same is entitled thereto, shall order the payment by the Treasurer to such person of the principal sum due him, but if the Governor-in-Executive Committee is not satisfied of the right of such person claiming to be entitled thereto, the claimant may by motion or petition apply in a summary way to the Judge for payment by the Treasurer of the amount claimed; provided always that in case the said moneys shall be adversely claimed by two or more persons then the Governor-in-Executive Committee shall in a written certificate to be signed by the Clerk of the said Committee decline to make any order for the payment of the moneys so claimed; and either of the parties claiming as aforesaid shall be at liberty to apply to the Court of Common Pleas, the Chief Judge of which shall by rule of court or otherwise cause the parties or any or either of them to appear before the said Court at a time to be named; and upon the appearance of such parties, or in the absence of any of them upon proof of due service of notice to appear, it shall be lawful for the said Court to hear and determine such claim and order the payment of the moneys to the person or persons entitled thereto, and for that purpose to examine such parties or any of them and their witnesses upon oath; and the costs of the proceedings shall be in the discretion of such Court and the amount thereof shall be taxed in the usual manner by the Registrar of the said Court.

Notice of application to be served on Attorney General.

8. A notice of all applications to the Judge shall be served on the Attorney General, and the Judge shall hear such applications and make such orders on the Treasurer in respect of the money claimed as to the Judge shall seem just.

Costs and expenses of Attorney General to be paid out of amount claimed.

9. All costs and expenses incurred by or on behalf of the Attorney General in resisting or appearing on any such application, unless the Judge shall certify that the claim was so manifestly well grounded that it ought not to be opposed, shall be paid out of the amount thereby claimed.

Persons entitled to moneys at interest to wait for same until expiration of notice to Colonial Bank.

10. Whenever any unclaimed moneys or any undistributed moneys ordered by the Governor-in-Executive Committee or the Judge to be paid by the Treasurer shall be deposited at interest in the Colonial Bank, the person to whom the same is ordered to be paid shall be bound to wait for the payment thereof until the expiration of the notice required to be given to the Colonial Bank of the same being required to be paid. The Governor-in-Executive Committee shall on the request of any person entitled

Unclaimed and Undistributed Moneys Act.

to any unclaimed moneys or any undistributed moneys so deposited in the Colonial Bank at interest require Treasurer to the Treasurer to, and the Treasurer shall on being so required or by order of the Judge, give such notice to the Colonial Bank as is required to be given before the moneys so deposited at interest in the Colonial Bank are withdrawn therefrom.

11. The Governor-in-Executive Committee or the Judge may if he thinks fit require any person, applying to be paid any unclaimed moneys or any undistributed moneys paid into the Treasury, to give such public notice as they shall deem proper by advertisements in one or more of the newspapers of this Island.

12. Every such notice shall state the amount claimed and the name of the claimant, and the time at which the payment will be made if no other claimant sooner appears and makes out his claim, and such other particulars as the Governor-in-Executive Committee or the Judge shall require, and where any such payment is ordered, the notice shall also state the purport of the order.

13. At any time before payment under the order of the Judge or Governor-in-Executive Committee (as the case may be) to any person of any unclaimed moneys or any undistributed moneys, any other person may apply to the Judge or Governor-in-Executive Committee (as the case may be) by motion or petition in a summary way to rescind or vary any order made for payment thereof, and the Judge or Governor-in-Executive Committee (as the case may be) shall hear and determine the rights of parties thereto and make such order thereon as to him shall seem just.

14. Where any moneys having been paid as aforesaid to a claimant are afterwards claimed by another person, neither the Governor-in-Executive Committee nor the Treasurer shall be responsible for the same to such other claimant, but he may have recourse against the person to whom the payment was made, and may if entitled to such moneys recover from such person the money so paid by action or plaint in the court having jurisdiction.

15. The Governor-in-Executive Committee and the Treasurer are hereby indemnified in respect of every payment of moneys under this Act, and shall not be in any manner responsible to any person having or claiming any interest therein.

Unclaimed and Undistributed Moneys Act.

Moneys paid in by Official Assignee if required for payment of dividends shall be paid on production of dividend order.

16. Notwithstanding the preceding sections of this Act, in all cases in which the Official Assignee requires any moneys paid into the Treasury by him for the payment of any dividend subsequently declared, the money so required shall be paid to him by the Treasurer on the production of the dividend order; provided always that any moneys so paid to the Official Assignee if not paid away by him within one year of the receipt thereof by him from the Treasurer shall be deemed unclaimed within the meaning of this Act.

After three years moneys transferred to general revenue.

17. Any unclaimed or undistributed moneys paid into the Treasury by any officer before or after the passing of this Act which remained in the hands of such officer unclaimed for three years prior to such payment, or shall remain in the Treasury unclaimed for a period which together with the period during which it has remained unclaimed in the hand of such officer is equal to three years, shall be transferred by the Treasurer, together with any accumulations of interest thereon, to the account of the general revenue; provided always that any moneys so transferred if claimed by any person entitled thereto, as provided by this Act, within twenty years after the same were paid into the Treasury shall be paid to such person.

After 20 years unclaimed moneys to become property of the public.

18. Where any moneys are not claimed for twenty years after the same have been paid into the Treasury by an officer under this Act, the same and all accumulations (if any) of interest thereon shall become the property of the public of this Island for the purpose of the general revenue.

Annual statement of moneys in Treasurer's hands.

19. The Colonial Treasurer shall sometime in the month of January in each year publish in the Official Gazette a detailed statement of all unclaimed and undistributed moneys held by him whether paid into the Treasury before or after the passing of this Act.

An Act to consolidate and amend the Acts of this Island relating to the Executive Committee.

[1 August 1891.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Executive Committee Act, 1891.

Executive Committee Act.

2. Immediately on the opening of each session of the Constitution and functions. Legislature, it shall be lawful for the Governor to appoint during pleasure one member of the Legislative Council and four members of the House of Assembly, not being already members of the Executive Council, to be associated with and to form, together with the Governor-in-Executive Council, a committee for the transaction of public financial business, for the consideration of ways and means, for advising with the Governor on any measures which the Executive may deem it expedient to bring before the Legislature, and for the conduct of public works, and the control and management of public institutions of the kind and in the manner hereinafter mentioned. The members so appointed to be associated with the Executive Council for the purposes of this Act shall continue to be members of the Executive Committee during the session of the Legislature, except in case of resignation or absence from the Island as hereinafter provided.

3. The Committee so formed shall be called the Executive Committee. Its constitution shall be subject to the following provisions :—

- (1) The Governor, or in his absence the senior member Chairman. of the Executive Council present in Executive Council, shall preside at its sittings.
- (2) Notwithstanding the prorogation or dissolution of the Legislature or the expiring of the session, the members thereof, who are members of the Committee, shall continue to act in such capacity until the commencement of the ensuing session ; provided that the interval between the close of one session and the commencement of the next shall not exceed the period of three months, after the lapse of which period the functions of the Executive Committee hereby created shall cease and become inoperative until the inauguration of a new session or meeting of the Legislature. Members to continue to be so after expiration of session until next session, provided interval does not exceed 3 months.
- (3) Any member of the Committee who shall be absent from the Island for forty days without the leave of the Governor shall vacate his seat thereon, and it shall be competent for the Governor to nominate and appoint any member to fill such vacancy in the same way as members are to be nominated and appointed at the commencement of the session. Absence without leave to vacate seat.
- (4) In the case of the member of the Legislative Council or any member of the House of Assembly vacating his seat in the Committee by death, forfeiture, Governor may fill seat when vacated.

Executive Committee Act.

resignation, or in any other manner, it shall be lawful for the Governor to make a fresh appointment as hereinbefore provided.

Summoning of members.

- (5) Whenever business of any kind shall have to be transacted by the Committee, the member of the Legislative Council and all the members of the House of Assembly forming part thereof shall be duly summoned to attend the Executive Council, but they shall not be entitled to attend the Executive Council except when so summoned for the transaction of such business as is provided for by this Act.

Quorum.

- (6) Any four members of the Committee shall be a sufficient quorum for the transaction of any business.

Executive Committee only shall initiate money votes.

4. The initiation of money votes by bill, resolution, or otherwise, by individual members of the House of Assembly shall cease, and shall be made only on the responsibility of the Executive Committee in the manner provided in this Act; provided always that nothing in this Act contained shall be construed to restrict or in any way interfere with the right, hitherto always exercised by individual members of the House of Assembly, to introduce any bill, resolution, or any other measure of legislation, so that, as is hereinbefore provided, such bill, resolution, or other measure of legislation does not create any charge upon the revenue of the colony, or in terms provide for the expenditure of public money.

Estimates.

5. Towards the close of every year, it shall be the duty of the Executive Committee to prepare estimates in detail of the probable revenue and expenditure of the colony for the year next ensuing. The estimates when prepared shall be laid before the House of Assembly for their consideration, and shall be introduced by a member of the said Executive Committee having a seat in the House of Assembly.

Supplementary estimates.

6. The Executive Committee may in case of necessity from time to time prepare and submit supplementary votes or estimates; provided that hereafter, as heretofore, all aids and supplies to the Executive shall be the sole gift of the House of Assembly, and the House shall have and exercise its undoubted and sole right to withhold, reduce, or grant such aids and supplies, and to direct, limit, and appoint such aids and supplies, whensoever granted, and to limit and appoint the ends, purposes, conditions, limitations, and qualifications of such grants, aids, and supplies; but it shall not be competent for the House of

Executive Committee Act.

Assembly to increase any of the items or the aggregate amount of any estimates submitted as aforesaid.

7. The sums which not being fixed by law shall be voted on estimates by the House of Assembly at the close of each year for the service of the ensuing year shall be embodied in an appropriation Act, and shall represent the limit and extent of the public expenditure for the year, as far as the same is not fixed by law, subject however to the provisions herein contained with respect to the passing of supplementary votes or estimates. The balances of all grants which are unexpended at the end of the year to which they refer shall lapse except to the extent of any liability which has been incurred in respect of any such grant before the end of any such year.

Sums not fixed by law to be embodied in an appropriation Act, and unexpended balances to lapse.

8. All sums which may have been voted by resolution on supplementary estimates as aforesaid during the course of a session of the Legislature shall at the close of such session be embodied in a supplementary appropriation Act for the year or years to which the sums so voted shall have relation.

Supplementary appropriation Act.

9. Subject to review by the Executive Committee the power to authorize the expenditure out of sums voted on the estimates of sums not in excess of twenty five pounds at any one time, in case of emergency, shall be vested in the Governor.

Expenditure not exceeding £25 on emergency may be authorized by Governor.

10. (1) Bishop's Court, Government House, the Town Hall, Glendairy Prison, the Lunatic Asylum, the Lazaretto, the Public Market, the Prisons, the Public Fountains, Nelson's Statue, and the lands, buildings, and hereditaments thereto respectively appertaining and belonging, and all public piers, wharves, bridges, works, and buildings, and all public property, real or personal, are hereby vested in the Executive Committee, and their successors in office, for an estate in fee simple in possession in trust for the public of this Island ; the Executive Committee shall also be charged with the care, control, and reparation of the same, and also of the carenage and all basins and works connected therewith ; and the Executive Committee shall cause the carenage at all times to be properly deepened and cleansed, so as to admit of the free passage of lighters, boats, and ships ; provided always that the Governor-in-Executive Committee may in their discretion allow any corporation or person the use of the public buildings in Trafalgar Square or of the Town Hall for the purpose of holding meetings or entertainments of a public nature, subject to such conditions as the Governor-in-Executive Committee may determine.

Public buildings and lands vested in Committee.

Executive Committee Act.

Rules as to careenage and wharves.

(2) It shall be lawful for the Executive Committee to make and ordain in respect of the molehead and careenage, and also of the piers and public wharves and bridges, such rules and regulations, and from time to time alter, add to, vary, or repeal the same, as may be found necessary or deemed expedient for the public good and convenience.

Publication of such rules, and penalty for violation.

(3) All rules and regulations made and ordained by the said Executive Committee under and by virtue of the authority given to them in and by the last preceding subsection shall be published three times in the Official Gazette, and shall thereafter have the force and effect of law, in as full and ample a manner to all intents and purposes as if they were inserted in this Act; and any person violating any or either of the said rules and regulations shall for every offence be liable to a penalty not exceeding forty shillings, to be recovered in a summary manner on the complaint of the Harbour and Shipping Master, or any officer of the police force including the Inspector General and Inspector.

No thoroughfare between public buildings.

11. (1) The land between the public buildings in the city of Bridgetown is vested in the Executive Committee and the same shall not be used as a thoroughfare.

Officers entitled to offices in the public buildings.

(2) The public buildings shall contain halls, courts and offices for the following persons, bodies, and departments, that is to say:

the Governor
the Board of Council
the Legislative Assembly
the Master in Chancery
the Colonial Secretary
the Attorney General
the Solicitor General
the Provost Marshal
the Registrar
the Official Assignee
the Auditor General
the Colonial Treasurer
the Customs
the Savings Bank
the Post Office
the Superintendent of Public Works;

Public officers exempt from taxation.

and no public officer shall be liable for any tax by reason of his occupying offices in the public buildings.

Power to lease government lands.

12. The Executive Committee are hereby authorized to lease for such term and on such conditions as they shall determine, for the purpose of making a dock or for harbour

Executive Committee Act.

improvements, such portions of the colonial government lands as may be required.

13. The Executive Committee in pursuance of the powers conferred on them by this Act may execute all conveyances, leases, contracts, and documents, and may sue and be sued in the name of the Colonial Secretary.

Committee may sue and be sued and execute deeds by Colonial Secretary.

14. Where by any Act of this Island additional duties are made payable by way of forfeiture to Her Majesty, her heirs and successors, for the use of this Island, it shall be lawful for the Governor-in-Executive Committee, where the circumstances of the case shall appear to warrant such indulgence, upon petition of any person who has incurred and paid such additional duties so imposed by way of forfeiture as aforesaid, to remit such duties, and to issue his warrant to the Treasurer of the Island for the repayment of the same, and the Treasurer is hereby authorized and required to repay the same accordingly.

Remission of duties imposed by way of penalty.

15. It shall be lawful for the Governor-in-Executive Committee upon the address of the Assembly of this Island to remit and order repayment in manner aforesaid of any duties raised, levied, collected, and paid unto Her Majesty, her heirs and successors, for the uses of this Island, and the Treasurer is hereby authorized and empowered to repay the same accordingly.

Remission of duties on address of the Assembly.

16. All claims in respect of salaries of public functionaries, contracts, supplies, or otherwise which require warrants from the Governor-in-Executive Committee authorizing payment by the Treasurer, shall be made up for payment to the close of each month, and the warrants of the Governor-in-Executive Committee shall be issued accordingly for payment of the same.

Certain money claims to be paid monthly.

17 (1) On the death of any public officer who may have held office under the Crown in this Island, and to whom was payable at the time of his death on account of his public services any salary, allowances, or pension, not exceeding the sum of ten pounds, it shall be lawful for the Governor-in-Executive Committee on an application being made for such purpose and on being satisfied of the expediency of dispensing with probate or letters of administration, to authorize by warrant under his hand the Treasurer to pay to such person as shall appear best entitled to receive the same the amount found to be due to such deceased public officer; provided that the Governor-in-Executive Committee be satisfied that every reasonable care has been taken to

The Governor-in-Executive Committee may, in certain cases, dispense with letters of administration.

Executive Committee Act.

ascertain whether or not the deceased was indebted to any person at the time of his death.

(2) Any payment made in pursuance of this section shall be valid against all persons, and all persons acting under its provisions shall be absolutely discharged from all liability in respect of any moneys duly paid or applied by them under the provisions of this section; provided that nothing in this section shall in any way interfere with the right of any creditor or other person having any claim to or upon the property of a deceased public officer from proceeding against the lawful representative of such deceased public officer for the recovery of any money or other property to which such creditor or other person may lay claim.

END OF VOL. I.

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1 & 2 Victoria C LXVII.

An Act for the better Government of Prisons in the West Indies.

[4th August 1838.]

WHEREAS it is expedient to make further Provision for regulating Prisons in Her Majesty's Colonies in the *West Indies*, and for the Superintendence and Care of Prisoners confined therein, and for the due Discharge of their Duties by the Keepers and Officers of such Prisons: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, or, with respect to the Prisons of each Colony, for the Governor and Council of such Colony, to make Rules for the Government of the Prisons in Her Majesty's Colonies in the *West Indies*, and for the Care and Superintendence of the Prisoners, and for the Duties of the Keepers and Officers of such Prisons, and also to amend or annul any such Rules in force at the Time of the Proclamation of this Act, or which shall be made after such Proclamation; and all such Rules so made or amended shall be binding on all Persons within such Colony; and no Rule which shall be made after the Proclamation of this Act in any of the said Colonies for any of the Purposes aforesaid shall be of any Force until it shall have been approved by the Governor and Council of the Colony, or by Her Majesty in Council; and no Rule for any of the Purposes aforesaid which shall be annulled by the Authority aforesaid shall thereafter be of any Force or Validity: Provided always, that it shall be lawful for Her Majesty in Council to amend or annul any such Rule although it may have been approved by the Governor and Council of the Colony.

[See sections 3, 24, 41, & 42 of the Prisons Act 1890 (1890-18.)]

Her Majesty in Council, or the Governor and Council of any Colony, to make Rules for the Government of the Prisons of each Colony, which shall be binding on all Persons.

Her Majesty may amend or annul any Rules.

II. And be it enacted, That whenever the Governor of any of the said Colonies shall, with the Advice of his Council make, amend, or annul any Rule or Rules for the Government of any Prison, he shall by the earliest convenient opportunity transmit to One of Her Majesty's Principal Secretaries of State a Copy of the Rule or Rules so made,

Rules made or annulled by any Governor or by the Queen in Council to be laid before Parliament.

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amended, or annulled, and a Copy of all such Rules shall be laid before Parliament within Forty Days after it shall be so received, if Parliament shall be then sitting; and a Copy of all Rules made, amended, or annulled under the Authority of this Act by Her Majesty in Council shall be laid before Parliament within Forty Days after it shall have been so made, amended, or annulled, if Parliament shall then be sitting; or in either case if Parliament shall not be then sitting, such Copy shall be laid before Parliament within Forty Days after the Commencement of the then next Session of Parliament.

Power to appoint
Inspectors of
Prisons.

III. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to appoint, or authorize the Governor of each of the said Colonies to appoint, a Person or Persons, properly qualified, to be Inspector of Prisons in any such Colony; and every person so appointed shall have Authority to visit and inspect all Prisons within the Colony for which he shall be appointed, and also to examine any Person holding any Office or receiving any Salary or Emolument in any such Prison within the Limits of his Appointment, and to call for and inspect all Books and Papers relating thereto, and to inquire into all Matters touching such Prison, and to examine every Prisoner or other Person whom he may find in the Prison whom he shall think fit to examine, either alone or in the Presence of such other Persons as to the Inspector shall seem fit; and every such Inspector shall, on or before the Thirty-first Day of *December* in every Year, make a separate and distinct Report in Writing of the State of every Prison visited by him, and shall send the same to the Governor; and a Copy of every such Report shall be sent as soon as conveniently may be to One of Her Majesty's Principal Secretaries of State.

Governor may
visit or authorize
any Person to
visit Prisons.

IV. And be it enacted, That it shall be lawful for the Governor at any Time to visit and inspect, or to authorize in Writing any Person or Persons to visit and inspect, any Prison within the Limits of his Government, and to examine the Officers and Prisoners therein in such Manner as he or they may think fit.

Penalty for
obstructing
Inspectors or
other authorized
Persons.

V. And be it enacted, That every Person who shall wilfully obstruct any such Inspector of Prisons, or any Person duly authorized by the Governor to inspect any Prison, in the Execution of the Powers intrusted to him by this Act, may be summoned before a Justice of the Peace to answer for the same, and being convicted thereof before a Justice of the Peace shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds Sterling and in default of Payment of any Penalty so adjudged, immediately or within such Time as the Justice shall

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appoint, shall be committed to Prison for any period not exceeding One Calendar Month.

VI. And be it enacted, That the Governor shall have Authority to suspend for such Time as to him shall seem fit, or to dismiss, all or any the Officers of any Prison within the Limits of his Government; and no Person who shall have been so dismissed by the Governor shall be thereafter eligible to be appointed to any Office in any Prison within such Limits without the Approval of the Governor in Writing under his Hand; and in the event of the Vacancy in any Office occasioned by such Dismissal as aforesaid not being filled up within Fourteen Days by the Appointment by the Person or Persons authorized by Law to appoint to such Office of a fit Person to the Satisfaction of the Governor, it shall then be lawful for the Governor to appoint a fit Person to such Office.

Governor may suspend or dismiss Officers of Prisons.

VII. And be it enacted, That the Justices or other Persons having Authority over any of the said Prisons shall from Time to Time, as may be required by the Governor, send a Return of the State of the Prison, and the Condition of the Prisoners confined therein, in such Form as shall from Time to Time be directed by Her Majesty, with the Advice of Her Privy Council, and a Statement of the Establishment of Officers and Servants employed therein, specifying the Number and Description of such Officers and Servants, the Salaries and Emoluments of each, and by whom such Officers and Servants respectively are appointed.

Periodical Returns to be made to the Governor.

VIII. And be it enacted, That the Justices or other Persons having Authority over any such Prison shall send to the Governor a Plan of the Prison, drawn upon a Scale of not less than One Sixteenth of an Inch to a Foot; and it shall not be lawful to enlarge, build, or rebuild any such Prison until a Plan upon the same Scale shall have been sent to the Governor showing the intended Buildings and Additions, or until the Governor shall have subscribed a Certificate approving such Plan.

Plans of Prison to be sent to the Governor.

IX. And be it enacted, That it shall not be lawful to imprison any Person in any of the said Prisons which the Governor shall certify by any Writing under his Hand directed to the Justices or other Persons having Authority over such Prison to be unfit to be used as a Prison; provided that in every such Certificate the Grounds of the Unfitness shall be fully set forth, and that the Governor shall not issue any such Certificate until after he shall have given Notice of his Intention to the said Justices or other Persons aforesaid, and shall have required them to cause such Prison to be amended in those Particulars, and shall have allowed a reasonable Time for making such Amendments

No Persons to be imprisoned in any Prison which the Governor shall have certified to be unfit.

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Meaning of the Words "Prison" and "Prisoner" in this Act.

X And be it enacted, That in the Construction of this Act the Word "Prison" shall be taken to comprise every Gaol, House of Correction, Hospital, Asylum, Workhouse, and every other Place, however called, which shall be used in any of the said Colonies or Plantations for the Confinement of Persons charged with or convicted of any Offence ; and the Word "Prisoner" shall be taken to comprise every Inmate of any such Prison detained therein ; and the Word "Governor" shall mean every Person lawfully charged with the Administration of the Government of any such Colony.

Act shall be proclaimed.

XI. And be it enacted, That this Act shall be proclaimed by the Governor of each of the said Colonies, and shall take effect in each of the said Colonies from the Proclamation thereof in that Colony.

25 Geo. 2 C. vi.

An Act for avoiding and putting an End to certain Doubts and Questions relating to the Attestation of Wills and Codicils concerning Real Estates in that part of Great Britain called England, and in His Majesty's Colonies and Plantations in America (k). [A. D. 1752.]

(k.) This Act is repealed by 1 Victoria c. 26, except so far as relates to the Colonies.

[See section 8 of the Wills Act 1891 (1891—1.)]

WHEREAS by an Act made in the twenty-ninth year of the reign of His late Majesty King Charles the Second, intituled 'An Act for Prevention of Frauds and Perjuries,' it is amongst other things enacted that from and after the twenty fourth day of June in the year of our Lord one thousand six hundred and seventy seven all devises and bequests of any lands or tenements, deviseable, either by force of the Statute of Wills or by that Statute, or by force of the Custom of Kent, or the Custom of any Borough, or any other Particular Custom, shall be in writing, and signed by the party so devising the same, or by some other person in his presence, and by his express direction ; and shall be attested and subscribed in the presence of the said devisor by three or four credible witnesses, or else they shall be utterly void and of none effect, which hath been found to be a wise and good provision : But whereas doubts have arisen who are to be deemed legal witnesses within the intent of the said Act ; therefore, for avoiding the same, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament

Devisee, &c. attesting the devise void, but may be admitted to prove the will.

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assembled, and by the authority of the same, that if any person shall attest the execution of any will or codicil, which shall be made after the 24th day of June, 1752, to whom any beneficial devise, legacy, estate, interest, gift or appointment of, or affecting any real or personal estate, other than and except charges on lands, tenements, or hereditaments for payment of any debt or debts, shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will or codicil, or any person claiming under him, be utterly null and void; and such person shall be admitted as a witness to the execution of such will or codicil, within the intent of the said Act, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will or codicil.

2. That in case by any will or codicil already made, or hereafter to be made, any lands, tenements, or hereditaments are or shall be charged with any debt or debts, and any creditor whose debt is so charged hath attested or shall attest the execution of such will or codicil, every such creditor, notwithstanding such charge, shall be admitted as a witness to the execution of such will or codicil within the intent of the said act.

Creditor attesting, admitted a witness.

3. That if any person hath attested the execution of any will or codicil already made, or shall attest the execution of any will or codicil which shall be made on or before the said twenty fourth day of June, one thousand seven hundred and fifty two, to whom any legacy or bequest is or shall be thereby given, whether charged upon lands, tenements, or hereditaments, or not; and such person, before he shall give his testimony concerning the execution of any such will or codicil, shall have been paid, or have accepted or released, or shall have refused to accept such legacy or bequest upon tender made thereof; such person, shall be admitted as a witness to the execution of such will or codicil, within the intent of the said Act, notwithstanding such legacy or bequest.

Legatee who has been paid or shall refuse his legacy, admitted a witness.

4. Provided always, that, in case of such tender and refusal as aforesaid, such person shall in nowise be entitled to such legacy or bequest, but shall be for ever afterwards barred therefrom; and in case of such acceptance as aforesaid, such person shall retain to his own use the legacy or bequest which shall have been so paid, satisfied or accepted, notwithstanding such will or codicil shall afterwards be adjudged or determined to be void for want of due execution or for any other cause or defect whatsoever.

After refusal he is barred from the legacy; but after acceptance may retain.

5. That in case any such legatee as aforesaid, who hath

Legatee attesting and dying

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in the life-time of the testator, or before he has received or refused his legacy, admitted a witness.

attested the execution of any will or codicil already made, or shall attest the execution of any will or codicil which shall be made on or before the said twenty fourth day of June, one thousand seven hundred and fifty two, shall have died in the lifetime of the testator, or before he shall have received or released the legacy or bequest so given to him as aforesaid, and before he shall have refused to receive such legacy or bequest on tender made thereof, such legatee shall be deemed a legal witness to the execution of such will or codicil within the intent of the said Act, notwithstanding such legacy or bequest.

Credit of the witness to be determined by the court, &c.

6. Provided always, that the credit of every such witness so attesting the execution of any will or codicil in any of the cases in this Act before mentioned, and all circumstances relating thereto, shall be subject to the consideration and determination of the court and the jury before whom any such witness shall be examined, or his testimony or attestation made use of; or of the court of equity in which the testimony or attestation of any such witness shall be made use of; in like manner to all intents and purposes as the credit of witnesses in all other cases ought to be considered of and determined.

No devise, where the devise is made void, &c., being examined, &c., shall afterward take any benefit.

7. That no person to whom any beneficial estate, interest, gift or appointment shall be given or made, which is hereby enacted to be null and void as aforesaid, or who shall have refused to receive any such legacy or bequest on tender made as aforesaid; and who shall have been examined as a witness concerning the execution of such will or codicil, shall, after he shall have been so examined, demand or take possession of, or receive any profits or benefit of or from any such estate, interest, gift or appointment so given or made to him, in or by any such will or codicil; or demand, receive or accept from any person or persons whatsoever, any such legacy or bequest, or any satisfaction or compensation for the same, in any manner or under any colour or pretence whatsoever.

Cases where the validity of will and competency of witnesses are not affected.

8. Provided always, that this Act or anything herein contained shall not extend or be construed to extend to the case of any heir at law, or of any devisee in a prior will or codicil of the same testator, executed and attested according to the said recited Act, or any person claiming under them respectively, who has been in quiet possession for the space of two years next preceding the sixth day of May, one thousand seven hundred and fifty one as to such lands, tenements and hereditaments, whereof he has been in quiet possession as aforesaid; and also that this Act or anything herein contained shall not extend or be construed to extend to any will or codicil, the validity or due execution

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whereof hath been contested in any suit in law or equity, commenced by the heir of such devisor or the devisee in any such prior will or codicil for recovering the lands, tenements or hereditaments mentioned to be devised in any will or codicil so contested, or any part thereof, or for obtaining any other judgment or decree relative thereto, on or before the said 6th day of May 1751, and which has been already determined in favour of such heir at law or devisee in such prior will or codicil or any person claiming under them respectively, or which is still depending, and has been prosecuted with due diligence; but the validity of every such will or codicil, and the competence of the witnesses thereto, shall be adjudged and determined in the same manner to all intents and purposes as if this Act had never been made; anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

9. Provided always nevertheless, that no possession of any heir at law or devisee, in such prior will or codicil as aforesaid, or of any person claiming under them respectively, which is consistent with or may be warranted by or under any will or codicil attested according to the true intent and meaning of this Act, or where the estate descended or might have descended to such heir at law, till a future or executory devise by virtue of any will or codicil attested according to this Act should or might take effect, shall be deemed to be a possession within the intent and meaning of the clause herein last before contained.

10. "And whereas in some of the British colonies or plantations in America, the said Act of the twenty-ninth year of the reign of King Charles the Second has been received for law, or Acts of Assembly have been made, whereby the attestation and subscription of witnesses to devises of lands, tenements and hereditaments have been required:" therefore to prevent and avoid doubts which may arise in the said colonies or plantations, in relation to the attestation of such devises of lands, tenements and hereditaments, be it enacted by the authority aforesaid, that this Act and every clause, matter and thing therein contained shall extend to such of the said colonies and plantations where the said Act of the twenty-ninth year of the reign of King Charles the Second is by Act of Assembly made, or by usage received as law, or where by Act of Assembly or usage the attestation and subscription of a witness or witnesses are made necessary to devises of lands, tenements or hereditaments; and shall have the same force and effect in the construction of or for the avoiding of doubts upon the said Acts of Assembly and laws of the said colonies and plantations, as the same ought to have in the construction of or for the avoiding of doubts upon the said Act of

Possessions which are not comprehended within the meaning of the preceding clause

This Act to extend to such of the British colonies where the Act of 29 Car. 2, c. 3, is received, &c.

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the twenty-ninth year of the reign of King Charles the Second in England.

Devises &c. in the Plantations by wills made after 1 March 1753 affected by this Act.

11. Provided always, that as to cases arising in any of the said colonies or plantations in America, no such devise, legacy or bequest as aforesaid shall be made null and void by virtue of this Act, unless the will or codicil whereby such devise, legacy or bequest shall be given, shall be made after the first day of March, one thousand seven hundred and fifty three.

34 & 35 HEN. 8, C. xx.

An Act to embar feigned Recovery of Lands wherein the King is in Reversion.

[A. D. 1542.]

[See section 23 of the Property and Conveyancing Act 1891 (1891-13.)]

The special reasons of the King's gifts of land to certain persons in tail.

“Where divers of the King's most noble progenitors, and especially the King our Sovereign Lord most liberally above all other, hath given and granted or otherwise provided to his and their loving and good servants and subjects, as well nobles as other, manors, meases, lands, tenements, rents, services, and hereditaments, to them and to their heirs males of their bodies, or to the heirs of their bodies lawfully begotten minding at the time of such gifts not only to prefer and advance presently the donees, but also their heirs in blood of their bodies, according to the limitation of the said gifts ; to the intent that recompense for the service of such donees should not only be a benefit for their own persons, but a continual profit and commodity to and for their heirs coming of their bodies, whereby such heirs should have in special memory and daily remembrance the profit that they have and take by the service of their ancestors, done to the kings of this realm, and thereby be the better encouraged to do the like service to their Sovereign Lord, as to their duties of allegiance appertaineth. And forasmuch as sundry such donees in tail and their heirs have suffered and daily suffer by their consents, untrue and feigned recoveries to be had against them with common voucher or otherwise, of manors, meases, lands, tenements, or hereditaments, so given, granted, or provided in tail by the King's Majesty or his noble progenitors, as is aforesaid, to the intent by fraud, covin and untrue means, not only to bind and defeat their heirs inheritable by the limitation of such gifts, but also the King of his prerogative, wardship, primer seisin, and other his rights ; whereby questions and diversities of opinion have arisen, and yet be, whether such feigned and untrue recoveries against such tenants in tail by their own consents

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of lands, tenements, or hereditaments, whereof the reversion or remainder is in the King at the time of such recovery or recoveries had, should after the death of the tenant in tail bind the heirs in tail or not."

2. For plain declaration whereof, and to avoid and extinct from henceforth diversities of opinions in such cases, be it ordained and enacted by authority of this present parliament that no such feigned recovery hereafter to be had by assent of parties against any such tenant or tenants in tail of any lands, tenements, or hereditaments, whereof the reversion or remainder at the time of such recovery had shall be in the King, shall bind or conclude the heirs in tail, whether any common voucher be had in any such feigned recovery or not, but that after the death of every such tenant in tail against whom any such recovery shall be had, the heirs in tail may enter, have and enjoy the lands, tenements, and hereditaments so recovered, according to the form of the gift of entail; the said recovery or any other thing or things hereafter to be had, done, or suffered by or against any such tenant in tail to the contrary notwithstanding.

3. That the heirs of every such tenant in tail, against whom any such feigned recovery shall be had, shall take no advantage for any recompense in value against the voucher nor his heirs. No recompense in value against the voucher.

4. Provided always, that this act nor anything therein contained be in any wise prejudicial or hurtful to the lessee or lessees of any such tenant in tail, made or to be made by writing indented of any manors, lands, tenements, or hereditaments, for term of twenty-one years, three lives or under, whereupon the accustomed rent or rents or more is or shall be reserved yearly during the said term and terms; but the same lessee and lessees shall and may have and enjoy his or their term and terms therein against the heir and heirs of every such tenant in tail, according to the tenor, purport and effect of the statute made in the thirty-second year of the reign of our Sovereign Lord King Henry the eighth; anything in this act contained to the contrary thereof notwithstanding. The lessee of tenant in tail shall enjoy his term against the heir of the lessor.

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3 & 4 WILLIAM IV. C. lxxiv.

[See section 55 of *An Act for the Abolition of Fines Recoveries, and for the Substitution of more simple Modes of Assurance.*
the Property and Conveyancing Act 1891
(1891-13.)]

[28th August, 1833.]

Every deed by a married woman, not executed by her as protector, to be acknowledged by her before a Judge etc.

79. That every deed to be executed by a married woman for any of the purposes of this Act, except such as may be executed by her in the character of protector for the sole purpose of giving her consent to the disposition of a tenant in tail, shall upon her executing the same, or afterwards, be produced and acknowledged by her as her act and deed before a Judge of one of the superior courts at Westminster, or a Master in Chancery, or before two of the perpetual Commissioners, or two special Commissioners, to be respectively appointed as hereinafter provided.

The Judge &c., before receiving such acknowledgment, to examine her apart from her husband.

80. That such Judge, Master in Chancery, or Commissioners as aforesaid, before he or they shall receive the acknowledgment by any married woman of any deed by which any disposition, release, surrender, or extinguishment shall be made by her under this Act, shall examine her, apart from her husband, touching her knowledge of such deed, and shall ascertain whether she freely and voluntarily consents to such deed, and unless she freely and voluntarily consents to such deed shall not permit her to acknowledge the same; and in such case such deed shall, so far as relates to the execution thereof by such married woman, be void.

When a married woman shall acknowledge a deed, the person taking the acknowledgment to sign a memorandum to the effect here mentioned, and also sign a certificate of the taking of such acknowledgment to the effect here mentioned.

84. That when a married woman shall acknowledge any such deed as aforesaid, the Judge, Master in Chancery, or Commissioners taking such acknowledgment shall sign a memorandum, to be indorsed on or written at the foot, or in the margin of such deed, which memorandum, subject to any alteration which may from time to time be directed by the Court of Common Pleas, shall be to the following effect; videlicet,
'THIS Deed, marked (here add some Letter or other Mark. for the Purpose of Identification,) was this day produced before me (or us) and acknowledged by therein named to be her act and deed; previous to which Acknowledgment the said was examined by me (or us) separately and apart from her Husband, touching her Knowledge of the Contents of such Deed and her Consent thereto, and declared the same to be freely and voluntarily executed by her.

And the same Judge, Master in Chancery, or Commissioners shall also sign a certificate of the taking of such acknowledgment, to be written or engrossed on a separate

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piece of parchment ; which certificate subject to any alteration which may from time to time be directed by the Court of Common Pleas, shall be to the following effect ; videlicet.

‘THESE are to certify, That on the day of
‘in the Year One thousand eight hundred before
‘me the undersigned Sir Nicholas Conyngham Tindal, Lord
‘Chief Justice of the Court of Common Pleas at Westminster (or before me Sir James Parke, Knight, one of the
‘Justices of the Court of King’s Bench at Westminster ;
‘or before me the undersigned James William Farrar, one of
‘the Masters in Ordinary of the Court of Chancery ;
‘or before us A.B. and C.D. Two of
‘the perpetual Commissioners appointed for the for
‘taking the Acknowledgment of Deeds by married Women,
‘pursuant to an Act passed in the Year of the Reign
‘of His Majesty King William the Fourth, intituled, An
‘Act, (*insert the title of this Act*) ; or before us the under-
‘signed A.B. and C.D. two of the Commis-
‘sioners specially appointed pursuant to an Act passed in
‘the Year of the Reign of His Majesty King William
‘Fourth, intituled An Act, (*insert the Title of this Act,*) for
‘taking the acknowledgment of any Deed by the
‘Wife of appeared personally the Wife of
‘and produced a certain Indenture, marked (here
‘add the Mark), bearing Date the Day of
‘and made between (*insert the names of the Parties*), and
‘acknowledged the same to be her Act and Deed : and I (or
‘we) do hereby certify, that the said was, at the
‘Time of her acknowledging the said deed, of full Age and
‘competent understanding, and that she was examined by
‘me (or us), apart from her Husband, touching her know-
‘ledge of the Contents of the said Deed, and that she freely
‘and voluntarily consented to the same.’

85. That every such certificate as aforesaid of the taking of an acknowledgment by a married woman of any such deed as aforesaid, together with an affidavit by some person verifying the same, and the signature thereof by the party by whom the same shall purport to be signed, shall be lodged with some officer of the Court of Common Pleas at Westminster, to be appointed as hereinafter mentioned ; and such officer shall examine the certificate, and see that it is duly signed, either by some Judge or Master in Chancery, or by two Commissioners appointed pursuant to this Act, and duly verified by affidavit as aforesaid, and shall also see that it contains such statement of particulars as to the consent of the married woman as shall from time to time be required in that behalf ; and if all the requisites in this Act in regard to the certificate shall have been complied with, then such officer shall cause the said certificate and the

Certificate, with affidavit verifying the same, to be lodged with some officer of the Court of Common Pleas, who shall cause the same to be filed of record in the court.

APPENDIX.

affidavit to be filed of record in the said Court of Common Pleas.

Officer to deliver a copy of certificate filed, which shall be evidence.

88. That after the filing of any such certificate as aforesaid the officer with whom the certificate shall be lodged shall at any time deliver a copy, signed by him, of any such certificate to any person applying for such copy; and every such copy shall be received as evidence of the acknowledgment of the deed to which such certificate shall refer.

6 GEORGE IV. C. lxxxvii.

[See section 17 of the Court of Ordinary Act 1891 (1891-17)].

An Act to regulate the Payment of Salaries and Allowances to British Consuls at Foreign Ports, and the Disbursements at such Ports for certain Public Purposes.

[5th July 1825.]

Oaths may be administered by Consuls.

20. And Whereas it is expedient that every Consul General or Consul appointed by His Majesty at any Foreign Port or Place should in all cases have the Power of administering an Oath or Affirmation whenever the same shall be required, and should also have Power to do all such notarial Acts as any Notary Public may do; Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for any and every Consul General or Consul appointed by His Majesty at any Foreign Port and Place, whenever he shall be thereto required, and whenever he shall see necessary, to administer at such Foreign Port or Place any Oath, or take any Affidavit or Affirmation from any Person or Persons whomsoever, and also to do and perform at such Foreign Port or Place all and every notarial Acts or Act which any Notary Public could or might be required and is by Law empowered to do within the United Kingdom of *Great Britain and Ireland*; and every such Oath, Affidavit or Affirmation, and every such notarial Act, administered, sworn, affirmed, had or done by or before such Consul General or Consul, shall be as good, valid and effectual, and shall be of like Force and Effect, to all Intents and Purposes, as if any such Oath, Affidavit or Affirmation or notarial Act respectively, had been administered, sworn, affirmed, had or done before any Justice of the Peace or Notary Public in any Part of the United Kingdom of *Great Britain or Ireland*, or before any other legal or Competent Authority of the like Nature.

APPENDIX.

18 & 19 Victoria C. XLII.

An Act to enable British Diplomatic and Consular Agents Abroad to administer Oaths and do Notarial Acts. [See section 17 of the Court of Ordinary Act 1891 (1891-17)].

[2nd July 1855.]

WHEREAS by an Act of the sixth year of King George the Fourth, chapter eighty seven, powers are given to British Consuls General and Consuls to administer oaths and do notarial acts in the foreign places to which they are appointed; and it is expedient that the like powers should be given to Ambassadors and other Diplomatic Agents and to Vice-Consuls and Consular Agents abroad: Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act, it shall and may be lawful for every British Ambassador, Envoy, Minister, Chargé-d'Affaires, or Secretary of Embassy or of Legation exercising his functions in any foreign country, and for every British Vice Consul, Acting Consul, Pro-Consul, or Consular Agent (as well as every Consul General or Consul) exercising his functions in any foreign place, whenever he shall be thereto required, and whenever he shall see necessary, to administer in such foreign country or place any oath or to take any affidavit or affirmation from any person whomsoever, and also to do and perform in such foreign country or place all and every notarial acts or act which any Notary Public could or might be required and is by law empowered to do within the United Kingdom of Great Britain and Ireland; and every such oath, affidavit, or affirmation, and every such notarial act, administered, sworn, affirmed, had or done by or before such Ambassador, Envoy, Minister, Chargé-d'Affaires, Secretary of Embassy or of Legation, Vice-consul, Acting Consul, Pro-Consul, or Consular Agent, shall be as good, valid, and effectual, and shall be of like force and effect, to all intents and purposes, as if such oath, affidavit, or affirmation, or notarial act, respectively, had been administered, sworn, affirmed, had, or done before any Justice of the Peace or Notary Public in any part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent authority of the like nature.

Oath may be administered by ambassadors and other British ministers abroad.

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